

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61936 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- TARABARI District- Araria

Md. Aftab @ Aftab S/o Faiyaz R/V- Jhamta ward no 12, PS- Tarabari, District
- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tarabari Police Station Case No. 119 of 2023, dated 18.09.2023, disclosing offences punishable under Section 376 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. The prosecution case, as per the First Information Report lodged by the mother of the victim girl, is that on 18.08.2023, while the informant's daughter, aged about 14 years, was returning from coaching, the petitioner arrived there and took her to a bamboo clump and committed rape upon her on the point of knife. After one month, when the informant went to the door of the



petitioner for marriage, they denied and demanded a sum of Rs. 5,00,000/- as dowry and also abused the informant and her relatives.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the daughter of the informant has not supported the allegation of rape against the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 and has stated that the petitioner wanted to marry her. He further submits that there was love relationship between the victim girl and the petitioner and both have solemnized marriage as per the Muslim law. The victim girl is residing in the house of the petitioner and the informant of this case is the pairvikar of this anticipatory bail application.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has not supported the allegation of rape, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria, in connection with Tarabari Police Station Case No. 119 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

