

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65137 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Sachin Kumar @ Sachin Mukhiya Son of Sri Debu Mukhiya Village-
Lathidhara, P.S.- Kusheshwar Sthan, District- Darbhanga Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Kusheshwar Sthan Police Station Case No. 111 of
2024 dated 17.05.2024, disclosing offences punishable under
Sections 341, 323, 324, 376 of the Indian Penal Code.

2. The prosecution case, as per the Fardbeyan of the
informant, is that on 10.05.2024 at about 8 pm, her daughter
namely Karishma Kumari had gone to attend nature's call but
she did not return for a long time. Thereafter, search was made
and when the informant along with her husband and others
reached at the house of Dilip Mukhia, she found her daughter in
a nude position and her mouth was tied with a cloth. It is alleged
that the petitioner was also found in a compromising position.
The informant pulled her daughter in order to save her but she



fell down and suffered head injury. It is further alleged that when the villagers gathered there, accused fled away.

3. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case, inasmuch as no such occurrence, as alleged, has taken place. He further submits that negotiation for marriage of petitioner and informant's daughter was going on and in that course, she was brought by informant herself but when the negotiation failed, the present false case has been lodged. Subsequently, the case has been compromised and the compromise petition has been filed in the court.

4. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the impugned order.

5. From the impugned order, it is apparent that the statement of the informant's daughter was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has supported the allegation of rape. As per the medical examination report of the victim, her age is determined as 14-15 years.

6. In the case of State of *Madhya Pradesh v. Madan Lal*, reported in *(2015) 7 SCC 681*, the Supreme Court has held



that in case of sexual offence, the concept of compromise specially in the form of marriage between the accused and the prosecutrix shall not be thought of and the Courts are to remain away from this subterfuge to adopt a soft approach to the case. Any such attempt would be offensive to the woman's dignity.

7. The supreme Court, in the case of *XYZ and Others v. The State of Madhya Pradesh (AIR 2021 SC 1492)*, has directed that the Courts while adjudicating cases involving gender related crimes, should not suggest or entertain any notions (or encourage any steps) towards compromises between the prosecutrix and the accused to get married, suggest or mandate mediation between the accused and the survivor, or any form of compromise as it is beyond their powers and jurisdiction.

8. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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