

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71593 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- MAHILA P.S. District- Kishanganj

Nasir @ Md. Nasir Alam @ Nasir Alam Son Of Tahir Village- Khas Kumhia
W.No-9, Ps- Bahadurganj Dist- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asrupa Khatoon wife of Md. Iliyas Village- Khas Kumhia W.No-9, Ps- Bahadurganj Dist- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Rajeev Ranjan, learned counsel for the

petitioner and Mr. Abhay Kumar Roy, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kishanganj Mahila P.S. Case No. 21 of 2023, F.I.R. dated 03.05.2023 for the offences punishable under Sections 376(3), 504, 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. According to prosecution case, petitioner is said to have committed rape upon the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case in fact the petitioner was in love with the victim. He further submits that for the purpose of marriage the victim has escaped from her house and performed



the marriage with the petitioner.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submitted that from a bare perusal of the impugned order itself it appears that the statement of the victim was recorded under Section 161 Cr.P.C. and under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and it has also come during the investigation that the victim was minor at the time of the occurrence.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner that he has committed rape upon the victim and victim has supported the case of the prosecution, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Kishanganj Mahila P.S. Case No. 21 of 2023 pending in the court of learned Additional Sessions Judge 1st Cum Special Judge, Kishanganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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