

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6127 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- MAJHAULIA District- West Champaran

Rahul Kumar Son of Upendra Prasad Resident of Village - Karamawa Ward
No.7, P.S. - Majhauilya, District - West Champaran, Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anjali Kumar Daughter of Mukesh Kumar Resident of Village - Karamawa
Ward No.7, P.S. - Majhauilya, District - West Champaran, Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Majhauilya P.S. Case No. 434 of 2024 dated 02.07.2024
registered for the offence under Section 376, 341, 323, 504 , 34
of the I.P.C. and Section 4, 6 of the POCSO Act.

3. The prosecution case as per the first information report is
that the petitioner established physical relationship with the
informant on several occasions, who is minor, on the pretext of
marriage. When the mother of the informant came to know
about this fact, she went to the house of the petitioner, where the
petitioner along with other co-accused persons abused and
assaulted her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case for the reason that the mother and maternal uncle of the informant went to the house of the accused persons with the proposal of marriage of the informant and the petitioner but the accused persons denied the proposal due to minority of the informant and frustrated by their denial the present false F.I.R. has been lodged against the accused persons. He further submits that there was love affair between the informant and the petitioner and there is an unexplained delay of about 41 days in lodging the present First Information Report. He next submits that subsequently due to intervention of well wishers and relatives of both the parties, the marriage of the petitioner and the informant has been fixed and it is scheduled to be solemnized on 19.05.2025. He has also placed reliance upon the judgment passed in Sobiya & Anr versus The State of Uttar Pradesh & Anr.

5. Learned counsel for the State opposed the prayer for anticipatory bail and submits that the informant is a minor girl and the allegations levelled in the present case is serious in nature inasmuch as the petitioner on the pretext of marriage induced the minor girl and committed rape upon her.



6. I have heard learned counsel for the parties concerned and have gone through the materials available on record including the impugned order.

7. 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.

8. 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 compromise 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.

9. Insofar as Sobiya Case (Supra) relied upon by learned counsel for the petitioner is concerned, the same is not applicable in the facts and circumstances of the present case. Moreover, this is second anticipatory bail application on behalf



of the petitioner inasmuch earlier the anticipatory bail application of the petitioner was rejected by this Court on 29.10.2024 in Cr. Misc. No. 72325 of 2024.

10. Since 1st anticipatory bail application of the petitioner has been rejected on merit, I do not find any reason to consider second anticipatory bail application inasmuch the petitioner has failed to bring on record any subsequent development. Accordingly, I am not inclined to grant anticipatory bail. The same is rejected.

(Anil Kumar Sinha, J)

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