

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12189 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Md. Ansar Alam @ Ansar Alam S/O Taiyab Alam Village- Bangatoli
Bhordah, P.S. and Distt.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. **XXX**, D/O Nagrul R/O Salampur Gangi, P.O.- Gangi Ghat, P.S.-
Bahadurganj, Dist.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Ramchandra Sahni
for the informant : Mr. Amal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 20-08-2025 1. This application, for grant of anticipatory bail, arises out
of Kishanganj Mahila Police Station Case No. 76 of 2024,
dated 22.10.2024, disclosing offences punishable under
Sections 376/342/341/323/313/504/506/34 of the Indian
Penal Code and Section 4 of the Prevention of Children
from Sexual Offences Act, 2012.
2. The prosecution case, as per the First Information Report,
is that the petitioner established physical relation with the
informant, who was minor, on the pretext of marriage.
3. Learned Counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence



in the manner alleged. He further submits that the present false case has been filed by the informant to put pressure upon the petitioner to extort money. He further submits that the present First Information Report has been lodged on 22.10.2024 for the occurrence of rape, which took place on 09.01.2020 and the petitioner was aged about 17 years. He, referring to the supplementary affidavit, submits that with the intervention of relatives of both the parties, they have compromised this case and a compromise petition, duly signed by both the parties, has been filed in the Court of learned Special Judge, POCSO, Kishanganj, in which the informant has also stated the true facts before the Special Judge, POCSO, Kishanganj, that rape was not committed by anybody upon her. The copy of the compromise petition has been annexed at Annexure P/2 to the supplementary affidavit.

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 evident that the statement of the informant was recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in which she



has stated that the petitioner raped her on the basis of deceitful promise of marriage due to which she became pregnant and the petitioner aborted her pregnancy and finally the petitioner denied to marry her. As per the adhar card of the informant, it is evident that she was only 13 years of age on the date when she was raped by the petitioner.

6. 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.
7. Considering the law laid down by the Supreme Court in the aforementioned case, the age of the informant at the time of occurrence, statement of the informant recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the fact that there is direct allegation of rape upon the petitioner, I am not inclined to grant the



petitioner privilege of anticipatory bail.

8. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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