

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16564 of 2025**

Arising Out of PS. Case No.-404 Year-2024 Thana- DINARA District- Rohtas

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Anup Patel @ Anup Kumar @ Anuj Patel, son of Pandit Jit, Resident of  
Village- Ganj Bharasara, P.S.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Lal Babu Rai, son of Ramadhar Rai, village- Semari, P.S.- Dinara, Dist-  
Rohtas

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                                |
|--------------------------|---|----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. D. K. Sinha, Sr. Advocate<br>Mr. Alexander Ashok, Advocate |
| For the Opposite Party/s | : | Mr. Md. Anzarul Haque Sahara, APP                              |
| For the Informant        | : | Mr. Dharmendra Kumar Singh, Advocate                           |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      14-05-2025                      Heard Mr. D. K. Sinha, learned Senior Advocate for  
  
the petitioner and the learned APP for the State. The informant  
is represented through Mr. Dharmendra Kumar Singh, learned  
Advocate

2. The petitioner is apprehending his arrest in  
connection with Dinara P.S. Case No. 404 of 2024 registered for  
the offences punishable under Section 65(1) of the Bharatiya  
Nyaya Sanhita, 2023 and Sections 4/6 of the Protection of  
Children from Sexual Offences Act.

3. Based upon the fardbeyan of the informant, it is  
alleged that while the daughter of the informant was returning to  
her house from the school, in the meanwhile, the petitioner on



the point of knife compelled the victim to sit on his motorcycle and drove away. Later on, when search was made, the petitioner dropped the victim girl nearby the school and fled away. The minor daughter of the informant disclosed that the petitioner has made illicit relationship with her and threatened with dire consequences.

4. Learned Senior Advocate for the petitioner referring to the F.I.R. contended that prima facie the story appears to be concocted for the simple reason that it would not be possible that the victim was forcibly taken away from a busy road on a motorcycle and later on dropped at her school. In fact, she voluntarily left with the petitioner and later on when the parents of the victim came to know and rebuked her, she made a tutored statement. The victim was never subjected to medical examination and, as such, the entire case of commission of rape or misbehavior with the victim does not find corroborated. It is further contended that be that as it may the petitioner undertakes that he will fully cooperate in the proceeding of the Court. Moreover, the petitioner is a man, having two children and the alleged incident is full of contradiction, instituted on account of long standing land dispute.

5. On the other hand, learned Advocate for the State



and informant vehemently opposed the bail application and submitted that the victim is a minor, aged about 13 years, and even if she is a consenting party, the petitioner cannot be absolved from the criminal liability. The statement of the victim has been recorded under Section 183(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been recorded wherein she has categorically stated that the petitioner took her in a lodge and thereafter committed rape upon her. The place of occurrence was also examined and verified in presence of the victim.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 183(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 wherein she has made specific allegation of commission of rape against the petitioner; moreover the age of the victim has been assessed as 13 years from the school record, this Court is not acceded to the prayer for anticipatory bail.

7. Accordingly, the prayer for grant of anticipatory bail stands rejected.

**(Harish Kumar, J)**

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