

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23085 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- WARISNAGAR District- Samastipur

Md. Eklakh @ Chand Ansari S/o Md. Phiroj @ Md. Firoz Ansari R/o Village-
Nagarbasti, PS- Mathurapur Warisnagar, Distt- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bebi Tabassum W/o Md. Mustak R/o vill - Nagarbasti, P.s.- Warisnagar,
P.O.- Begampur, ward no. 8, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Om
For the Opposite Party/s	:	Mr.Umeshanand Pandit
For the Informant	:	Mr. Suneil Kr. Thakur

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Warisnagar P.S. Case No. 56/2024 dated 23.02.2024 registered for the offence punishable u/s 376, 328 and 323 read with Section 34 of the Indian Penal Code and Sections 4, 6 and 8 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's minor daughter forcibly. On being objected, the petitioner promised to marry her. Thereafter, the petitioner used to give medicine to the informant's minor daughter and threatened her that he would



make her photo viral. Further on 09.01.2024, when the informant and her daughter went to the petitioner, the petitioner and the co-accused persons abused them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the occurrence took place on 10.12.2022 and the complaint case was filed on 31.01.2024 and no satisfactory explanation is given for this delay. As per the Medical Report, the victim is aged between 17-18 years and at the time of examination there is no sign of recent sexual assault. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.01.2025.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case. The petitioner made false promise of marriage with a view to save his skin from the alleged offence. He has relied upon the judgment in the case of ***Karthi @ Karthick Vs. State Represented by Inspector of Police, Tamil Nadu***, reported in ***(2013) 12 S.C.C. 710***, passed in



Cr. Appeal No. 601 of 2008, decided on July 1,2013 in which the Hon'ble Apex Court has held:- Sections 376 and 417 of the I.P.C.-Rape and Cheating- Obtaining consent for having sex by exercising deceit i.e., false promise of marriage-Cannot be legitimate defence to exculpate accused-Promise by accused to marry prosecutrix after committing rape- Thereafter, accused repeatedly engaged in consensual sexual intercourse with prosecutrix, at different places, on false promise of marriage- Eventual refusal by accused to marry-Prosecutrix divulging incident to her family-Credible testimony of prosecutrix and other witnesses-Conviction for rape and cheating, confirmed.”

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Warisnagar P.S. Case No. 56/2024 pending in the court of learned Exclusive Special Judge (Rape and POCSO), Samastipur.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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