

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77204 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- KUWARI District- Araria

Md. Abu Bashar @ Abu Basar @ Pintu Son of Farukh R/O-Village- Lailokhar
Garaiya, Ward No. 03, P.S. -Kuari, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Mr. Vijay Anand, Advocate
For the Opposite Party/s	:	Mr.Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-04-2025 Heard Mr. N.K.Agrawal, learned senior counsel

appearing for the petitioner and Mr.Pushpa Sinha-1, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kuari P.S. Case No.30 of 2024, dated
30.06.2024 registered for the offences punishable under
Sections 323,324,341,376,504,506 of IPC and Section 3/4 of
Dowry Prohibition Act.

3. Allegation against the petitioner is that on the
pretext of marriage he committed rape upon the informant.

4. Learned senior counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. The allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, apart from that, learned counsel for the petitioner submits that although the petitioner has made physical relation with the informant/victim but the same was consented with the parties, apart from that, the present FIR has been instituted after lapse of six months without giving any explanation of delay and apart from that, the informant herself stated that she is major.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C./ Section 183 of BNSS, 2023 in which she has categorically stated that on the pretext of marriage the petitioner has committed rape upon the victim and apart from that, medical evidence of the informant/victim also suggests that she has been sexually harassed by the petitioner.

6. Considering the aforesaid facts and nature of allegation as alleged in the FIR, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Kuari P.S. Case No.30 of 2024 pending in the court of learned J.M. 1st Class, Araria.



7. Prayer is refused.

(Rajesh Kumar Verma, J)

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