

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85471 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- MAHILA P.S. District- Siwan

Babar Alam @ Babar Hussain Son of Nabi Rasul @ Nabi Rasul Alam
Resident Of Village - Itawa, PS- Mirganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farjana Khatoon D/O- Mohammad Halim @ Halim Resident of Village-
Chauki Hasan, P.S.- G.B. Nagar (Tarwara), Distt.- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Rakesh Kr. Shrivastava, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Siwan Mahila P.S. Case no.75 of 2024 registered under
Section 376 of the Indian Penal Code and Sections 4 and 6 of
the POCSO Act.

3. As per the prosecution case, the informant states
that she was in a love relationship with the petitioner, who on
the false pretext of marriage even established physical relations
with her and also made her video. She further states that on
08.11.2021, the petitioner called her at Siwan Station and took



away her to Delhi for solemnizing marriage. When they reached Delhi, the petitioner forcibly established physical relation and made the video and also gave threat to make the video viral. On 24.11.2022, he brought her to Gopalganj again stating that she was brought for the purpose of marriage but the accused left her at Bus Stand. On 09.06.2024, when the family of the informant approached the family of the petitioner, the petitioner denied to solemnize marriage with her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. A perusal of the F.I.R would itself go to show that there was a love relationship between the petitioner and the informant. The informant is an adult capable of taking her own decisions. It has further been argued that even as per the F.I.R, the cause of action had arisen in the year 2022 and as a matter of fact a complaint case had been filed by the present informant in the year 2023 being Complaint Case No. 1571 of 2023 on 14.08.2023 in which cognizance was taken against the petitioner only under Sections 341, 323, 376, 379, 504, 506, 120B, 266 and 34 of the Indian Penal Code which is also a subject matter of challenge. Learned counsel for the petitioner further submits that after a substantial lapse of time, the present F.I.R has been



lodged in the year 2024 for the purpose of harassing the petitioner. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant on the ground that the informant has supported the prosecution case in her statement recorded under Section 164 Cr.P.C in which she has stated that the petitioner used to come in her neighborhood and they were in a love relationship and used to talk to each other over mobile phone. She has further stated that from the year 2019-2021, physical relationship was also established between them and she was also taken to Delhi on the pretext of marriage. However, they came back on the ground that the family of the petitioner was calling them back as they would have the marriage done but the same did not happen.

6. I have heard the rival submissions of learned counsel for the parties and also perused the records available on record.

7. It would appear from the statement of the victim recorded under Section 164 Cr.P.C that she is a major and the Court also assessed his age to be 18 years of age. Further, medical report in the case diary with regard to her age would



also go to show that her age is above 20 years and no evidence of any recent sexual assault is found.

8. Taking into consideration the fact that there was a continuing love relationship between the petitioner and the informant and even she had gone to place along with the petitioner out of her own free will and she is a major, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Siwan Mahila P.S. Case no.75 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VI-cum-Special Judge, POCSO, Siwan, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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