

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88652 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Ansar Alam @ Md. Ansar Alam S/o Late Mahiruddin R/o Village- Sitagachh,
Birnia, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioner, learned
counsel representing the informant as also learned APP for the
State.

2. The petitioner is apprehending his arrest in
connection with Kishanganj Mahila P.S. Case No. 47 of 2024 for
the offence under Sections 341, 342, 323, 376, 417, 419, 420, 504,
506 and 34 of the Indian Penal Code, lodged on 08.08.2024 by the
informant, Jamaira Khatoon.

3. As per the prosecution story, the informant alleged
that the petitioner raped her against her will on the pretext of
marriage. As he needed money, she also gave him the financial
assistance of Rupees 4 Lakhs but when she wanted the money
back not only she was abused, in Rajasthan while she was visiting
there was locked in a room and raped against her will under the
threaten of killing the lady. This led to the F.I.R.

4. Learned counsel for the petitioner submits that a



perusal of the F.I.R. would show that the relationship was consensual, it is hard to believe that such a big amount shall be handed over to him as alleged in the F.I.R. and it is just a thought of the lady that even in Ajmer (Rajasthan), she was raped. There is delay in lodging of the F.I.R. and the same has not been explained.

5. Learned counsel representing the informant as also the learned APP on the other hand opposes the prayer for bail submitting that a perusal of the F.I.R. would show that it is not only a case of raping her on the pretext of marriage, she has also been threatened of dire consequences when lastly raped her against her will at Ajmer (Rajasthan). Besides, there is allegation of cheating by taking away Rupees 4 Lakhs with the false promise of getting it returned but upon demand, was threatened.

6. Having gone through the facts of the case as also materials on record and the submissions put forward by the parties, clearly the prosecution has made out a case, raping her against will at Ajmer cannot be consensual, besides, she was also threatened. In that background, it would be appropriate that the petitioner seek bail.

7. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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