

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3085 of 2025

Arising Out of PS. Case No.-269 Year-2023 Thana- BAUNSI District- Banka

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Ankit Kumar Son of Bindeshwari Mandal Resident of village - Lougany,
P.O.- Sripather, P.S.- Dhoraiya, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Chawan S/O Late Ramlakhan Chauhan R/O Vill.- Tilaya, P.O.- Sri Pathar, P.S.- Dhanaiya, Dist.- Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bousni
P.S. Case No. 269 of 2023 instituted for the offence under
Sections 366(a) & 34 of the Indian Penal Code and Section 8 of
the POCSO Act.

3. The prosecution case in short is that the petitioner
took away the informant's 16-year-old daughter from her hostel
on 11-09-2023 with the intent to marry her. When the informant
and his relatives went to the petitioner's house, they were
abused and threatened by the co-accused.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 09-11-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of three days in lodging the FIR. It is submitted by referring to statement of the victim recorded under Section 164 of the Cr.P.C., that victim and petitioner knew each other since six months and they have established physical relationship on consent. Charge-sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that on the basis of medical report, victim is minor and she herself has deposed in her statement recorded under Section 164 of the Cr.P.C. that she had established physical relationship with the petitioner 2-3 times and that amounts to rape in the present circumstances.

7. Considering the aforesaid facts and circumstances of the case and nature and gravity of the offence, and victim being minor and her consent is not admissible in the eyes of law, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is,



accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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