

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2451 of 2015

Arising Out of PS.Case No. -16 Year- 2014 Thana -TEDHAGACHH District- KISANGANJ

=====

1. Junead Alam @ Md. Junead Alam S/o - Jabul Resident of Village -
Chargharia, P.S. - Teragach, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr. B.N. Pandey, (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 21-01-2015 Heard Sri Pankaj Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned counsel for

the State.

The petitioner apprehends his arrest in Teragach P.S.

Case No. 16 of 2014, registered for the offences punishable under

Sections 376, 323, 504 and 34 of the Indian Penal Code.

The victim has alleged that one day in the evening

the petitioner came to her house and committed rape with her. The

victim further disclosed that on the pretext of marriage the victim

use to have talked with the petitioner. Again on 04.02.2014, the

petitioner came and had sexual intercourse with the victim. The

victim disclosed that the boy was ready to marry with her, but her

family members did not allow her to marry.

It is submitted that the victim is a consenting party and no case under Section 376 of the Indian Penal Code is made out.

It appears that the victim is a major, but on the pretext of marriage the petitioner established physical relation with the victim and later on the petitioner retracted from his earlier stand, hence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner may surrender before the court below and if the petitioner marry with the victim and appeared with the victim before the court below, the court below shall consider the prayer for regular bail of the petitioner considering the fact that the victim is a major girl.

Let the order be communicated through Fax to the court of the learned Chief Judicial Magistrate, Kishanganj at the cost of the petitioner.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--