

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23262 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -ISHOPUR District- BHAGALPUR

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Abhishek Shukla @ Munna Shukla Son of Sri Dina Nath Shukla resident of
village - Bansiktta Daulatpur, P.S. Ishipur Barahat, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Advocate.
Mr. Manoj Kumar Jha, Advocate.
For the State : Mr. Madhura Nand Jha (APP)
For the Informant : Mr. Abhay Kumar Singh, No.1, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-10-2015 Supplementary affidavit has been filed on behalf of
the petitioner which is kept on the record.

Heard the learned counsel for the petitioner, the
learned A.P.P as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 323, 506, 376 and 420/34 of the
I.P.C

Chanda Kumari and the petitioner were having love
affairs for the last three years and the petitioner after giving
assurance to marry with her assaulted her sexually and always
assured that after getting service he will marry with her. He has
given one mobile with two SIMS and when the family members

came to know they destroyed the SIMS and thereafter again the petitioner gave a SIM of Idea which was being used to talk with the petitioner and now he refused to marry with her on the ground that she is of lower caste and is causing threats and further directed to return the mobile and SIM and for that three boys tried to make attempt on her and due to alarm being raised and seeing assemblance of family members the three boys fled away including the petitioner.

Submission is of false implication and that from the F.I.R. and the statement recorded under section 164 Cr.P.C also it reveals that no offence under section 376 I.P.C. is made out as sexual relation was developed with consent. The mother of the victim girl has filed Ishipur (Barahat) P.S. Case No. 35 of 2015 which has not been found true in its entirety. Several people of the locality including agnates have also filed several criminal cases against the prosecution party. Own uncles of informant and other villagers have also filed petition against the misdeed of the informant and mother which all are annexed in the supplementary affidavit. The doctor has not found any evidence of recent sexual intercourse and she has been found between 17-19 years of age. The petitioner is suffering in custody since 12.03.2015 having no criminal antecedent. Charge sheet has already been submitted and

as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposes prayer for bail by submitting that when the victim was minor the petitioner developed sexual relationship giving assurance to her to marry with her and as such the offence under section 376 and 420 I.P.C are attracted and the petitioner has sexually exploited her.

In the facts and circumstances as stated above, noticing that the victim in her written statement as well as in the statement recorded under section 164 Cr. P.C. has stated that she was sexually exploited by the petitioner on the pretext to marry with her and when she attained majority now the petitioner refused to marry with her and as such considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Ishipur (Barahat) P.S. Case No. 10 of 2015/ G.R. No. 435 of 2015 pending in court of Sri Mukesh Kumar, J.M. 1st Class, Bhagalpur.

Abhay/-

(Jitendra Mohan Sharma, J)

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