

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15155 of 2015

Arising Out of PS.Case No. -242 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

Kamal Kant Nirala Son of Rati Kant Prasad Resident of village -
Babhnagan, Police Station - Krishnagarh (Saraiya), District - Bhojpur,
Ara

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. D.P. Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-05-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 376/34 of the Indian Penal Code.

The victim made allegation that the petitioner
established physical relation with her on the pretext of marrying
her. The prosecutrix became pregnant and when the petitioner
refused to marry her, the victim lodged the case. Submission is
that the first occurrence took place on 12.12.2012. The victim is a
consenting party and no offence under Section 376 I.P.C. is made
out. The victim herself filed a petition for compromise.

Taking into consideration the fact that the victim
made specific allegation against the petitioner that the petitioner
established physical relation with the victim on the pretext of
marrying her and the victim became pregnant, I am not inclined to

enlarge the petitioner on anticipatory bail in Bhojpur Mahila P.S.
Case No. 242/14. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from the date of receipt / production of a copy of this order and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner sympathetically, without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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