

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17725 of 2015

Arising Out of PS.Case No. -94 Year- 2014 Thana -MAHILA PS District- DARBHANGA

Sudhir Mandal @ Sudhir Kumar Mandal, son of Ram Kumar Mandal @ Chulhai, resident of Village-Goslawar, P.S.-Bahadurpur, District;- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Pooja D/o Sri Dukho Sharma, resident of Village-Chunabhathi Gangwara, Ward No. 14, P.S.- L.N.M.U. Darbhanga, District- Darbhanga.

.... Opposite Parties

Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : Ms. Indu Bala Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 26-08-2015

Heard learned counsel for the petitioner and learned counsel for the State.

By way of filing an application under Section 438 of the Code of Criminal Procedure, the petitioner seeks anticipatory bail in connection with Darbhanga Mahila P.S. Case No. 94 of 2014 registered for the offences punishable under Sections 376 and 506 read with 34 of the Indian Penal Code as also 3/4 of the Prevention of Children from Sexual Offences Act, 2012.

It is contended that on the basis of allegation at best it would be a case under Section 417 of the IPC and not under

Section 376 of the IPC or Section 3 or 4 of the Prevention of Children from Sexual Offences Act.

It is submitted that from the allegations made in the FIR, it would appear that no force was applied on the victim and it was a case of consensual sex between two adults.

On the other hand, learned counsel for the State has opposed the prayer for bail. He has submitted that the victim had disclosed her age in the FIR to be 15 years and in medical report, the doctor has found her to be aged between 17 and 18 years. The allegations made in the FIR would show that initially the petitioner made physical relationship with the informant of the case on the pretext of marriage and, thereafter, he exploited her for few months and ultimately, when she became pregnant, he refused to marry her.

Regard being had to the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Ashwani Kumar Singh, J.)

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