

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31504 of 2014

Arising Out of PS.Case No. -190 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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Ajay Kumar, Son of Premlal @ Ludho Mandal, resident of village/Mohalla-
Dayalpur (Bari Tola), P.S.- Antichak, Distt.- Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr. Md.Aslam Ansari, A.P.P.

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

2 30-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Gopalpur (Rangra) P.S. Case No. 190 of 2014 registered for
the offences punishable under Sections 420, 376 and 504 of the
Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner on the assurance to marry with
the informant developed sexual relationship with her and used to
assure that after getting job, he will marry with her but after
getting job the petitioner started demanding money and as a result
of which, an amount of Rs. 75,000/- was paid and when the
proposal of marriage was made before the petitioner, he started
abusing the informant and demanded Rs. 5,00,000/-.

Submission is that this is consented sex and no offence of rape is made out. Reliance has been placed upon the case of Deepak Gulati Vs. State of Haryana reported in 2014(4) PLJR Supreme Court Page 473, to which the learned A.P.P. opposes the prayer of pre-arrest bail by submitting that intention of the petitioner was mala fide and he had clandestine motive and with that motive he gave assurance to marry with her and developed sexual relationship and as such, the case of rape is made out.

In the facts and circumstances as stated above, considering that the petitioner had mala fide motive and with that motive he gave proposal to marry with the informant and developed sexual relationship and thereafter now he is not marrying with her and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner and, accordingly, such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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