

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31337 of 2015

Arising Out of PS.Case No. -436 Year- 2014 Thana -MASAURHI District- PATNA

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Raju Singh son of Shiv Shankar Singh resident of Village - Khajuatta,
Police Station - Udwant Nagar, District - Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.

For the Opposite Party/s : Mr. Anuradha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5. 30-11-2015 Heard both sides.

The petitioner apprehends his arrest in Masaurhi P.S.
Case No. 436/2014, registered for the offences punishable under
Section 376 of the Indian Penal Code.

The victim alleged that she had gone to home of
maternal sister where she got acquainted with the petitioner. The
petitioner on the pretext of marriage took her to Patna and
solemnized marriage in Mahavir Temple, Patna.

She further alleged that the petitioner established
physical relation. Thereafter petitioner refused to take her with
him.

Learned counsel for the petitioner submits that the first

occurrence took place on 20.01.2013, but the F.I.R. was lodged on 17.10.2014. The victim was of course, examined by the doctor after many months and naturally, no spermatozoa were found. No sign of rape was found. The doctor assessed the age of the victim between 17-20 years. The victim was major.

It is further submitted that after more than 22 months of the first occurrence the case was lodged. The petitioner is working as a Constable in B.S.F. and only to pressurize the petitioner to marry with the victim this case has been lodged.

It appears that the victim got acquainted with the petitioner while she had gone to home of maternal sister, but immediately thereafter the petitioner used to talk with the victim and got intimate relation. The petitioner called her and took her to Patna and solemnized marriage and also established physical relation when the petitioner refused to keep her she filed a petition on 18.02.2013 within one month from the date of occurrence before the State Women Commission. But no action was taken. This petition was filed only when the marriage of the petitioner was fixed with someone else.

During the course of investigation almost all the witnesses have reiterated the facts and supported the case of the prosecutrix.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner on anticipatory bail. Accordingly, the same
is rejected.

(Prabhat Kumar Jha, J.)

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