

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34773 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Lalbabu Yadav s/o Shambhu Yadav, r/o Bankatwa Semuapur, P.S.-
Paharpur, District East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 27-11-2015 Heard both sides.

The petitioner apprehends his arrest in Paharpur P.S.
Case No. 64/2015, registered for the offences punishable under
Section 376 and other Sections of the Indian Penal Code.

The victim filed a complaint case on the basis of which
the present FIR was lodged. The victim made allegation that the
petitioner on the pretext of marriage established physical relation
with her. He continued to have physical relation with the victim.
The victim became pregnant. The petitioner got her pregnancy
terminated. She further alleged that the petitioner married with
her.

Sri Patanjali Rishi, learned counsel for the petitioner

submits that the petitioner never married with the victim. The victim is a major girl. No offence under Section 376 can be made out. The petitioner is already married and second married, if any, as alleged by the victim is void in the eye of law.

Learned counsel for the informant as well as learned Additional P.P. opposed the prayer for bail.

Having considered the facts aforesaid and nature of allegation made against the petitioner that while the victim was minor, the petitioner established physical relation with her on the pretext of marriage, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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