

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44712 of 2014

Arising Out of PS.Case No. -1177 Year- 2013 Thana -SITAMARHI District- SITAMARHI

Rakesh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Parmanand Prasad (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 08-04-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Husband of victim namely Mantu Kumar Jha has
drawn up instant case on account of disappearance of his wife and
for that apart from petitioner, others have also been arraigned.
After perusal of statement of the victim Priyanka Jha recorded
under Section 161 of the Cr.P.C. under Para-39 of the case diary
as well as her statement under Section 164 of the Cr.P.C. recorded
under Para-43 of the case diary, it is apparent that apart from she,
being a major, she had shown her voluntariness in accompanying
with the petitioner right from Sitamarhi to Allahabad where she
stayed with the petitioner for two months consecutively without
any hitch.

Be that as it may, after all victim happens to be

married one which, the petitioner was knowing well and on account thereof, his action comes within the purview of adultery punishable under Section 497 of the I.P.C., a bailable offence.

On account thereof, instant petition for anticipatory bail is found non-maintainable and is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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