

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37541 of 2014

Arising Out of P.S. Case No. -42 Year- 2014 Thana -ASHTHWAN District- NALANDA
(BIHARSHARIFF)

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Chandan Ravidas @ Chandan Kumar Son of Sri Raj Kumar Ravidas,
Resident of Village- Konand, Police Station - Asthawan in the District of
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari, D/o Surendra Das, Vill. Konand, P.S. Asthawa, Dist.
Nalanda.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Advocate.

For the Opposite Party-State: Mr. Ashok Kumar, A.P.P.

For the O.P. No. 2: Mr. Sita Ram Singh and
Mr. Ram Swarup Prasad, Advocates.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 376 and other sections of the Indian Penal Code.

The prosecutrix made allegation that Rani Devi
called her and, on such, she went to her house but Chandan Kumar
(the petitioner) committed rape with her. Sri Akhileshwar Prasad
Singh, learned counsel for the petitioner, submits that on perusal
of the complaint petition itself, it would appear that no offence
under Section 376 I.P.C. is made out as the prosecutrix is a
consenting party and she established physical relation with the
petitioner out of her free will and when the petitioner did not
solemnize marriage, this complaint case is filed making all sorts of

allegations. The prosecutrix has made allegation that firstly the petitioner established physical relation with her but, later on, on the pretext of marrying with the victim, the petitioner continued to establish physical relation with the victim.

Considering the facts aforesaid and the nature of allegations made against the petitioner, I am not inclined to enlarge the above named petitioner on anticipatory bail in Asthawan P.S. Case No. 42 of 2014. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from the date of receipt / production of a copy of this order and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from this order.

(Prabhat Kumar Jha, J)

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