

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17312 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -MAHILA PS District- DARBHANGA

Ritesh Kumar @ Ritesh Kumar Bhagat Son of Ram Vinay Bhagat, resident of village- Taralahi, P.S. Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Richa Kumari D/o Guru Sharan Bhagat, resident of village- Taralahi, P.S. Bahadurpur, District- Darbhanga

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Adv
For the Opposite Party/s : Mr. Indu Bala Panday(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-363, 366A, 452, 376, 323/34 of the Indian Penal Code and Section-3/4 of the POSCO Act, this Court taking into account the medical report of the victim girl, Richa Kumari a school going girl claiming herself to be minor showing her at best to be aged about 18 to 19 years and yet subjected to physical torture by the petitioner even before the alleged marriage, after her being forcibly taken to Delhi is not inclined either to



accept the defence of the petitioner that he was forced to marry the victim girl at the behest of her father specially when the petitioner himself now wants to get away from the aforesaid marriage by filing a matrimonial case for declaration of marriage as void. Such matrimonial case being subsequent to the F.I.R. filed by the victim girl against the petitioner is at best his defence.

3. Learned counsel for the informant the victim girl, has submitted that not only the allegations of the victim girl against the petitioner in F.I.R. is correct but the petitioner before decision of the matrimonial case has also married another girl and thus the fate and future of the victim girl has been doomed for once and ever.

4. All these things therefore would prima-facie to show that the petitioner having forcibly taken away the victim girl from Darbhanga to Delhi and subjected her to physical and sexual torture as also now disowning the alleged marriage with her would not be at least entitled for privilege of anticipatory bail.

5. This Court would also reject the submission of learned counsel for the petitioner for initiating a conciliation proceeding. As a matter of fact, such opportunity was given to the petitioner before the Sessions Judge, Darbhanga but the petitioner himself did not choose to appear, as is clearly recorded in the ordersheet rejecting his prayer for bail.

6. That being so, the prayer for grant of anticipatory bail to the petitioner is, accordingly rejected.

(Mihir Kumar Jha, J)

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