

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22656 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

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1. Alamgir S/o - Mushak R/o Vill. - Gosaipur, P.S. - Azamnagar, Distt : -
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Vrma, Sr.Adv. with
Mr. Sanjeev Kumar Singh

For the State : Mr. R.N.Jha (APP)

For the complainant : Mr. B.K. Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 08-07-2015 Heard learned counsel for the petitioner as well as
learned APP.

Petitioner has committed rape on 04.11.2014 and further directed the complainant not to divulge the fact in the back- ground of assurance that he would marry and in the aforesaid back ground, repeatedly indulged in sexual activity and lastly he refused to marry and on account thereof, this case has been lodged.

It has been submitted on behalf of the petitioner that the victim happens to be major one and further there happens to be consent on the part of the complainant while developing intimate relationship with the petitioner. It has further been submitted that petitioner has not raped and on account thereof there should be an order for holding DNA test.

On the other hand, learned APP assisted by learned counsel for the complainant opposed the prayer and submitted that after commission of rape, petitioner offered to marry in order to

avoid legal prosecution and then, continued with sexual activity. Even subsequently, petitioner was well aware that he is not going to marry with the complainant, however, on false pretext, succeeded in getting indulgence which, in terms of Section 90 of the IPC, would not be treated as a valid reason.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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