

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8811 of 2015

Arising Out of PS.Case No. -115 Year- 2014 Thana -PRANPUR District- KATIHAR

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Sanjar Khan @ Manjar Khan Son of Shamin Khan Resident of village-
Harsuwa, P.S. Pranpur, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Musowir, Advocate.

For the Opposite Party : Mr. A.L.Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 09-07-2015

Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 376 and 313 of the I.P.C and section 34 of the Dowry Prohibition Act.

Allegedly, the petitioner committed rape with the informant and thereafter after giving false assurance to marry with her continued the illegal act resulting she became pregnant but her pregnancy was aborted saying that after abortion the marriage will be solemnized. Thereafter the petitioner started demanding cash of Rs. 1,00,000/- and motorcycle.

Submission is of false implication and that the victim is major and married women. There is nothing to show that she was divorced and further it is not possible for abortion carrying

pregnancy of eight months. The doctor has also not found any such sign. The parents of the informant has not come forward to support the prosecution case though in the complaint they are named as witnesses and further it is alleged that they were also assaulted and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the informant in her statement recorded under section 164 Cr.P.C. also has supported the allegation as stated in the FIR and further other witnesses have also supported the same.

Considering the submissions and noticing the allegation attributed against the petitioner, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer is hereby rejected in connection with Pranpur P.S. Case No. 115 of 2004 pending in the Court of A.C.J.M. Katihar, District- Katihar.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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