

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23466 of 2015

Arising Out of PS.Case No. -279 Year- 2011 Thana -GOPALGANJ CITY District- GOPALGANJ

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Nishant Kumar @ Annu Son of Mohan Manjhi Resident of Sareyan, Ward
No. 5, Police Station - Gopalganj, District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 366, 366A and 120B of the Indian Penal Code.

Allegation against the petitioner along with other accused is to have enticed away the daughter of the informant and established physical relationship with her.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. Petitioner has been falsely implicated in the present case. From perusal of paras no. 80, 82 and 83 of the case diary it is evident that there was a love affair between the petitioner and the victim. Further from perusal of Annexure-4 it is further evident that there was a love affair between the petitioner and the victim. Further from perusal of Annexure-3 it is evident that in course of medical examination the victim has been found to be major and no sign of rape has been found on her.

On behalf of the State, it is submitted that the victim has been examined under Section 164 of the Code of Criminal Procedure where she has named this petitioner.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how, if petitioner surrenders in the court below (Chief Judicial Magistrate, Gopalganj) in connection with Gopalganj P.S. Case no. 279 of 2011 within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order and taking into account the evidence that has come in course of investigation as referred to above by the petitioner.

(Sudhir Singh, J)

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