

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48279 of 2015**

Arising Out of PS.Case No. -34 Year- 2015 Thana -MAHILA P.S. District- PATNA

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Piyush Kant @ Rohit S/o Sri Kamlesh Singh resident of Village - Jaishree,  
P.S. - Karakat, District - Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2 17-12-2015

Heard both sides.

The petitioner apprehends his arrest in a case under  
Sections 376, 420, 504, 506/34 of the Indian Penal Code.

The gist of the allegation is that the petitioner saw the  
informant and agreed to marry her. The petitioner on the pretext of  
marriage established physical relation with the informant but later  
on the petitioner refused to marry her. Learned counsel for the  
petitioner submits that the petitioner is an adult working lady. No  
offence under Section 376 IPC is made out. The informant herself  
out of her free-will moved along with the petitioner. If at all the  
allegation is accepted, in such circumstances also no offence under  
Section 376 IPC is made out.

On the other hand, learned A.P.P. as well as learned  
counsel for the informant, however, vehemently opposed the

prayer for anticipatory bail and submitted that the petitioner on the pretext of marriage established physical relation with the girl.

Having regard to the fact aforesaid and the nature of allegation made against the petitioner that he, on the pretext of marriage, established physical relation with the victim, I am not inclined to enlarge the petitioner on anticipatory bail in Mahila P.S. Case No. 34/2015. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

Dilip/-

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