

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28637 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -SIDHWALIA District- GOPALGANJ

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1. Anil Kumar Sah Son of Mahendra Sah Resident of village - Kalyanpur Mathiya, P.S. - Sidhwaliya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manager Sah

For the Opposite Party/s : Mr. Sanjay Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-10-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 328, 306, 376/34 of the Indian Penal Code.

The gist of the allegation is that marriage of sister of the informant was fixed with the petitioner. The petitioner along with his friend stayed at the night in the house of informant. The petitioner is said to have established physical relation with the victim. Later on the petitioner refused to marry with the victim. The victim went to the village of petitioner and stayed there in the night where it is alleged that petitioner and his friend established physical relation with her but the victim consumed poison and the Chowkidar brought her for treatment and during the course of treatment she died.

The Learned counsel for the petitioner submits that the post mortem report does not support the factum of sexual relation. The viscera have been kept preserved. No other witness has been examined by the Investigating Officer.

It appears that the petitioner had earlier agreed to marry with the victim and on the pretext of marriage he stayed at the house of victim but later on refused to marry with the victim. The victim went to the village of petitioner and it is alleged that petitioner and his friend established physical relation with her and the victim consumed poison, the Chowkidar brought her for treatment and during the course of treatment she died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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