

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18100 of 2015

Arising Out of PS.Case No. -554 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Shafique son of Md. Mosim Resident of village- Kharik Usmanpur
Tola, Police Station- Kharik, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. Ishrat Khatoon D/o Md. Aslam R/o Village- Kharik, Telghi Tola, P.S.-
Kharik District- Bhagalpur.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 02-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

Despite valid service of notice, opposite party no. 2
has chosen not to appear before this Court.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 554 of 2014 in which cognizance has been
taken under Section 376 of the Indian Penal Code.

The case of the complainant is that the petitioner had
established physical relationship with her on the pretext of
marriage and they were having relationship since last two years.
However, subsequently, the petitioner refused to marry.

It has been contended that the entire case is false and concocted just to humiliate and harass the petitioner. Even if the story narrated in the complaint is to be believed, it is a case of consensual sex by a major girl and in that view of the matter, no offence under Section 376 IPC would be made out.

Learned counsel for the State has opposed the application for grant of anticipatory bail to the petitioners. He submitted that the petitioner promised to marry the complainant and on that pretext established physical relationship with her, but later on, he resiled from his promise and cheated the complainant.

Be that as it may, regard being had to the nature of the allegation, the provisional anticipatory bail granted to the petitioner, vide order dated 08.09.2015, is hereby confirmed.

The application is disposed of.

(Ashwani Kumar Singh, J.)

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