

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10916 of 2016

Arising out of PS.Case No. -39 Year- 2014 Thana -MAHILA PS District- JAMUI

Sohan Das, Son of Saryug Das, resident of Village- Bishanpur, P.S. - Barhat, District - Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate.

For the Opposite Party : Mr. S.D.Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Jamui Mahila P.S. Case No. 39 of 2014 for the offences instituted under Sections 323, 313, 315, 420, 376/34 and 120(B) of the IPC.

The prosecution story, in brief, is that the petitioner used to come to the house of the informant. He told the mother of the informant that he wanted to marry the informant. Thereafter, her mother became ready for the same. All the accused persons came and demanded Rs. 2,00,000/- by saying that amount will be fixed in the post office in the name of the informant then she gave Rs. 50,000/- and rest amount had been deposited in A/C No.



32190193798. On 28.10.2012 the petitioner took cash Rs. 50,000/- from the mother of the informant. On 10.01.2013 the petitioner took the informant in taking confidence her mother. On 15.01.2013 he forcibly committed rape upon her by saying that their marriage is to be solemnized. Thereafter, the petitioner took the informant in Calcutta and continuously established physical relationship with her then she became pregnant. The accused persons assured the mother of the informant that they would solemnize marriage of the informant with petitioner but the petitioner has not solemnized marriage rather did abortion of child. Thereafter the accused persons fled away. The petitioner performed marriage with another girl on 12.12.2014. On 02.02.2014 when the complainant's mother and brother came to the house of the accused persons they brutally assaulted and abused them.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no medical evidence to support the allegations made in the complaint case. The petitioner denies any physical relationship with the informant.

On behalf of the State it has been submitted that the petitioner is named in the complaint case and there is direct

allegation against him for committing rape upon the informant. In course of investigation by the police after institution found the case to be true.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Jamui Mahila P.S. Case No. 39/2014, pending in the court of the learned S.D.J.M., Jamui. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order taking into the submissions made on behalf of the petitioner.

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(Sudhir Singh, J)