

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32092 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -DAUDNAGAR District- AURANGABAD

Sushil Kumar, son of Chandeshwar Ram, resident of Village- Nav Ratan Chak, Police Station- Dawood Nagar, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 31-08-2016 Heard Mr. Zeyaul Hoda, learned counsel for the petitioner and Sri Lakshmi Kant Sharma, learned Addl. Public Prosecutor.

The sole petitioner, who is named specifically as accused in Daud Nagar P.S. Case No.38 of 2016 registered for the offence under Sections 376, 341, 323, 354, 34 of the Indian Penal Code, has prayed for grant of bail in the event of his arrest.

It was submitted by learned counsel for the petitioner that the informant is a major girl, which has come during investigation after she was examined by the doctor. He submits that from the F.I.R. itself, it is evident that the informant was consenting party and, as such, there is no application of Section 376 of the Indian Penal Code.

However, on going through the F.I.R., it is evident that the petitioner had developed physical relation with the informant on assurance that he will marry with her. The Court is of the opinion that on such accusation, there is no ground for extending the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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