

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24395 of 2016

Arising Out of PS.Case No. -423 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Chandan Kumar, Son of Shankar Singh, Resident of Vilage- Pakki, Sarai, Ghogha, Police Station Ghogha, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Bindu Kumari, D/O Tunath Prasad Mandal, R/V- Rampur, P.S. Shivnarayanpur, District-Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Md. Ataur Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 15-12-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No. 423 of 2015 for the offences instituted under Sections 366(A), 341, 323, 379, 376, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 27.09.2015 at 3.00 O'clock, the petitioner called the informant on Mobile at Kaliasthan. When she reached there then the petitioner forcibly took her on a Motorcycle towards Pakki Sarai Ghogha. One another Motorcycle on which three persons were sitting followed the Motorcycle on which the informant was sitting. When they



reached near Pakki Sarai Tower then the petitioner put vermilion in the head of the informant and took her to his house. When she was at the door then the mother, brother and sister of the petitioner abused. They snatched ear ring, assaulted her and driven her away. The informant reached Ghogha Station and returned back to her house and explained the incident to her family. On 02.10.2015, when the informant with others reached at the house of the petitioner then he fled away from the house and his other family members abused them. The petitioner threatened with dire consequences showing three-nut. The people have seen the occurrence. The petitioner exploited the informant mentally and physically.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. There is admitted love affairs between the petitioner and the victim. They had married in a Temple.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The victim girl has been examined under Section 164 Cr. P.C. where she has alleged that the petitioner had forcibly married her. Later on, she has been



deserted by the petitioner and his family members.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No. 423 of 2015, pending in the court of learned C.J.M. Bhagalpur. The provisional bail granted to the petitioner vide order dated 21.06.2016 is, hereby, cancelled. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

If the matter is compromised between the parties then the same shall be considered by the court below while considering the regular bail application of the petitioner.

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(Sudhir Singh, J)

