

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21095 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

Sanjay Kumar @ Sanjai Kumar son of Sudarshan Chaudhary, Resident of
village- Dewaij Kundi, P.S.- Shahpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 27-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 498A, 376
and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of
Dhanmanti Kumari @ Dhanmanti Devi submitted to S.P., Bhojpur
is to the effect that she was married with elder brother of the
petitioner Brijlal Chaudhary. Thereafter, the informant gave birth
to a female child. After five years of marriage, the husband of the
informant died, thereafter, the in-laws assured the informant that
she will be married with the petitioner. On promise of marrying,
the petitioner established physical relationship with the informant
and subsequently, on 03.10.2009, the accused persons got the

pregnancy of the informant terminated. When the informant's family pressurized for performance of marriage then the accused persons after assaulting the informant driven her out from the matrimonial house.

It is submitted by the learned senior counsel for the petitioner that there is no medical opinion corroborating the accusation. The petitioner is seven years younger to the informant and the present case has been lodged as a pressure tactic so that the petitioner may perform marriage with the informant. The informant herself admitted that she left the matrimonial house on 01.03.2015 when the FIR was registered on 16.12.2015, hence delayed lodging of the case clouds the bona fide of the accusation.

It is submitted by the learned counsel for the informant that the informant was physically exploited by the petitioner on promise of marriage and pregnancy of the informant was got terminated.

Mr. J.N. Thakur, learned APP, after going through the case diary, submits that paragraph nos. 8 to 9 of the case diary contain the statements of the co-villagers of the informant including the informant where they have supported the prosecution case to the effect that the informant was physically exploited by the petitioner on promise of marriage.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned court below consider the prayer for bail of the petitioner if he surrenders within a period of six weeks in connection with Mahila P.S. Case No. 197 of 2015 pending in the court of learned CJM, Bhojpur at Ara.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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