

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31486 of 2016

Arising Out of PS.Case No. -110 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Alakh Niranjana Tiwari @ Sonu Tiwari Son of Bipin Tiwari, Resident of Village- Puchharia, P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munni Devi W/o Murari Tiwari Residence of Village- Puchharia, P.S.- Sangrampur, District- East Champaran at present resident of Pakari, P.S. Dumariya Ghat, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 20-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being brother in law (Debar) of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323,341,420,468,471,376,386,498A and 120B/34 of the Indian Penal Code.

The prosecution case is that the informant was married with the elder brother of the petitioner Murari Tiwari on 2.6.2013. The informant subsequent to marriage came to know that her husband is mentally abraded hence the marriage was not consummated. After four-five days of the marriage the petitioner ravished the informant and thereafter the parents inlaws and the

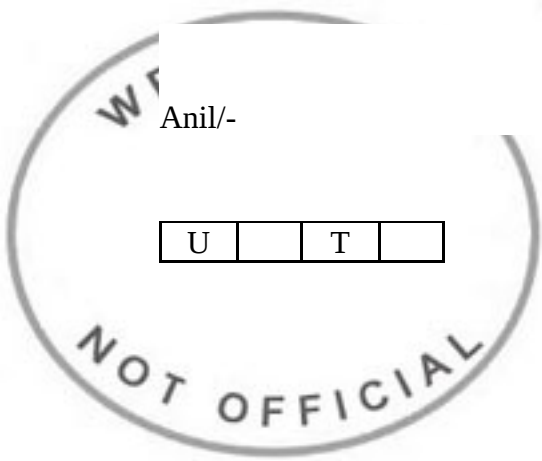
petitioner took the informant to Kolkata where she stayed for three months and there also the petitioner continued establishing physical relationship as a result the informant conceived and subsequently gave birth to a female child. Subsequently the torture was inflicted.

It is submitted by the learned counsel for the petitioner that the accusation has been levelled with inordinate delay as the initial incident is of 2013 when the complaint was filed in 2015 which came to be registered as police case 11.8.2015. It is further submitted that there is no medical document suggesting that the petitioner ravished the informant and in order to pressurize the petitioner for forceful marriage the accusation has been levelled. It is also submitted that other accused persons have been granted bail.

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 keeping in view the delayed lodging of the FIR in case the petitioner surrenders within six weeks from today in connection with Sangrampur P.S. Case No. 110 of 2015 pending in the court of learned A.C.J.M. - 14, Motihari, East Champaran.

This application is disposed of with the aforesaid

observation/direction.



(Dinesh Kumar Singh, J)