

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54305 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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Md. Sanowar Son of Md.; Hajrul r/o Paruwan, P.s Balrampur (Telta) of
Village- Raghunathpur, P.s Barsoi, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 08-03-2016 Heard counsel for the petitioner, counsel for the
informant as well as the State.

The petitioner is facing prosecution in Balrampur
(Telta) P.S. Case No. 77 of 2015 punishable under Section 376,
354, 504/34 of the Indian Penal Code.

The lady who was deserted by the husband was
residing with her parents. The allegation is that the petitioner on
one occasion forcibly forced on her and committed rape on her.
Later he gave assurance to marry her and on this pretext on few
more occasions established physical relationship with informant
when she became pregnant she was forced to abort her
pregnancy. Later the petitioner denied to marry her.

The contention of the petitioner is that as per the FIR

it would appear that the lady herself consented for the physical relationship with the petitioner. In her re-statement she has narrated about the coercion by the petitioner. It is a case where DNA test ought to have been carried out by the investigation agency.

The counsel for the informant as well as the State opposed the prayer. It is submitted that the statement of the victim girl is specific that the petitioner forcibly committed rape on her on the first occasion and thereafter under false assurance/promises he maintained physical relationship with the informant. Parents have also said about the relationship between the two.

Considering the facts and circumstances of the case, the statement of the victim as also other material reflected from the records I am not persuaded to extend the privilege of anticipatory bail. Prayer is declined the petitioner may surrender and seek regular bail.

The application is disposed of.

(Kishore Kumar Mandal, J)

siddharth/-

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