

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46153 of 2016

Arising Out of PS.Case No. -3453 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Shashi Chaudhary @ Bholu Chaudhary Son of Sri Subodh Chaudhary @
Biku Chaudhary R/O village- Kajha, P.S.- K. Nagar, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o Bijay Mandal R/O village- Kajha, P.S.- K. Nagar,
District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan
For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 29-11-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 3453/2015, registered for the offences punishable under
Sections 376, 452, 313, 406, 420, 506 and 120B of the Indian
Penal Code.

The complainant alleged that she was well acquainted
with the petitioner since the year 2012. On 27.07.2014, she was all
alone in her house. The petitioner came and committed rape with
her. The complainant alleged that on the pretext of marriage the
petitioner sexually exploited her. She became pregnant but later on
she was aborted and the petitioner refused to marry with the

complainant.

Sri N.K. Agrawal, learned senior counsel for the petitioner submits that the present occurrence took place on 27.07.2014 till 14.10.2014. The complaint petition was filed on 29.10.2015. The father of the complainant filed K.Nagar P.S. Case No. 361/2014 on 10.07.2014 under Section 363, 366A of the Indian Penal Code against the petitioner for kidnapping of the complainant. The complainant made her statement under Section 164 Cr.P.C. on 15.07.2014 and she disclosed her age to be 18 years. The complainant altogether denied the allegations made by her father in his fardbeyan on the basis of which K. Nagar P.S. Case No. 361/2014 was registered and on the basis of which the police submitted final form finding the case of kidnapping false against the petitioner. The complainant after two weeks of her statement recorded under Section 164 Cr.P.C. alleged that on the pretext of marriage she was sexually exploited by the petitioner till 14.10.2014. The complainant disclosed herself to be minor but in her statement under Section 164 Cr.P.C. she disclosed her age to be 18 years much prior to lodging of this complaint petition.

Learned counsel for the complainant, however, vehemently opposed the prayer for anticipatory bail and submitted that the petitioner refused to marry with the complainant, but it

appears that the complainant is a consenting party and she was major as disclosed by herself on 15.07.2014 in her statement under Section 164 Cr.P.C.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Purnea in connection with Complaint Case No. 3453/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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