

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29843 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Pawan Kumar Mandal Son of Kailash Mandal resident of village -
Madhuban Tola, P.S. Pirpaiti, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 29-09-2016 Heard both sides.

The petitioner apprehends his arrest in Bhagalpur, Sadar Mahila P.S. Case No. 22/2016, registered for the offences punishable under Sections 376, 420 of the Indian Penal Code and Section 4 of the P.O.C.S.O. Act.

The victim alleged that her sister Anju Devi was married with the cousin of the petitioner and therefore, the petitioner and victim became relative and the petitioner used to come in the house of the victim. The petitioner have love affair with the victim. She further alleged that the petitioner established physical relation with her on the pretext of marriage, but the petitioner refused to marry with the victim when he got service.

Mr. Abhay Kumar Singh learned counsel for the petitioner submits that the petitioner never established physical

relation with the victim. Petitioner got job and only to pressurize the petitioner to marry with the victim this false case has been lodged. This case is lodged after much delay. The victim never disclosed this fact immediately after the occurrence of establishing physical relation. The doctor did not find any sign of recent sexual intercourse, but it appears from perusal of the record that the victim made specific allegation that the petitioner enticed her and established physical relation with her on the pretext of marriage. The victim made her statement under Section 164 Cr. P.C. and reiterated the same facts. The victim disclosed her age about 16 years. The doctor also assessed the age of victim as 16 years. The doctor examined the victim and found her habitual to sexual intercourse, but no sign of recent intercourse was found. Admittedly, the victim was examined by the doctor after many days, but the doctor also found the age of victim below 18 years.

Considering the facts aforesaid and the fact that the petitioner on enticement, established sexual relation with the victim on the pretext of marriage, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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