

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13608 of 2017**

Arising Out of PS.Case No. -77 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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1. Md. Javed Alam @ Md. Javed Son of Md. Shamshul Haque, Resident of  
Village-Khirhar P.S. Khirhar, District-Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

2      30-03-2017                      Heard learned counsel for the petitioner, the learned  
  
counsel for the informant and the learned counsel representing the  
  
State.

The petitioner apprehends his arrest in connection  
with Madhubani Mahila P.S Case No. 77 of 2015 registered for  
the offences punishable under Sections 376, 506, 120(B) and  
313/34 of the Indian Penal Code and Section 4 of POCSO Act.

Allegedly, the petitioner developed physical  
relationship with the informant after giving assurance to marry  
with her and the informant became pregnant and then she was  
aborted by administering medicines and thereafter the petitioner  
refused to marry with her and the father of the petitioner was  
demanding Rs. 5,00,000/- as dowry.



Submission is of false implication and that that no offence under Section 376 IPC is made out. The informant has filed this case only to pressurize the petitioner and his family members so that the petitioner may marry with her. Petitioner has been made victim of the circumstances, he never came in contact with the informant and, as such, he deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has committed serious crime.

In the facts and circumstances stated above, considering the allegations attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly, his such prayer stands rejected in connection with Madhubani Mahila P.S. Case No. 77/15 pending in the Court of learned 1st Addl. Sessions Judge-cum-Special Judge, POCSO Act, Madhubani.

**(Jitendra Mohan Sharma, J)**

sushma/-

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