

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20706 of 2017

Arising Out of PS.Case No. -129 Year- 2016 Thana -AWADPUR District- KATIHAR

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1. Md. Kamir Son of Mumtaz Ali Resident of Village- Dharampur, Police Station-Abadpur, District- Katihar.

.... Petitioner/s

Versus

1. 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. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-05-2017 The petitioner seeks regular bail in connection with Abadpur P.S. Case No. 129 of 2016, registered for offences punishable under Sections 376, 493, 420, 406/34, 120(B) Indian Penal Code and Section 3/4 Dowry Prohibition Act.

Allegation against the petitioner that on the pretext of marriage, he committed rape on the informant and, thereafter, refused to marry her.

It has been submitted on behalf of the petitioner that even according to the F.I.R itself, it is evident that informant is a major and out of her own sweet will established physical relations with the petitioner and, therefore, no case under Section 376 is made out against the petitioner and also no case of Section 3/4 of Dowry Prohibition Act is made out. Petitioner has no criminal antecedent



and has been in judicial custody since 06.03.2017.

Learned counsel for the State opposed the prayer for bail and submitted that there is direct allegation against the petitioner of commission of rape on the informant.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, at present, I am not inclined to release the petitioner on bail, his application for grant of regular bail is, accordingly, rejected.

However, petitioner may renew his prayer for bail before the court below itself after framing of charge in this case.

(Vinod Kumar Sinha, J)

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