

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46734 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -MANSAHI District- KATIHAR

1. Md. Imtiyaz @ Md. Imtiyaz Ahmad, S/o Md. Azhraul Haque @ Master
Md. Azhraul Haque, R/o Village Gola Ghat, (Pothiya), P.S. Katihar
Muffasil, District Katihar Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party : Mr. Tapeswar Sharma, APP 170

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 02-02-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Section 376/34 of the Indian Penal Code.

The petitioner allegedly exploited the informant physically on inducement that the petitioner would marry with the informant. Later on, the petitioner refused.

The informant had appeared for re-conciliation. However, she disclosed that the petitioner had already married with some other lady and when she came to know about marriage of the petitioner she also married with some other man.

Submission of the petitioner is that the matter is of consensual sex. The informant in her statement under Section 164 of the Criminal Procedure Code has admitted that this is a case of love affairs between the two and physical relation with consent of the parties.

Considering the facts that even though no offence under Section 376 of the Indian Penal Code is made out, the offence of cheating is there against the petitioner.

Hence, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is **rejected**.

(Birendra Kumar, J)

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