

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53907 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -MAHILA P.S. District- PATNA

=====

Amar Kumar, son of Sri Ajay Kumar Verma, resident of village – Korwa,
Korawan, P.S. – Naubatpur, District – Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-11-2017

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner, in the present, case, is seeking
Anticipatory Bail in connection with Mahila P.S. Case No.
42 of 2017 for the offences under Sections 376, 506/34 of
the Indian Penal Code, pending in the court of learned 1st
Additional Chief Judicial Magistrate, Danapur, Patna.

Learned counsel for the petitioner submits
that even if the allegation against the petitioner is believed
for argument sake it is evident that it is not a case of rape
under section 376 of the Indian Penal Code. He further
submits that the girl was aged about 23 years and the
physical relationship admittedly took place with her
consent.



On the other hand, learned Additional Public Prosecutor submits that as per the F.I.R. the victim girl has alleged that she was allured and her consent was obtained by playing fraud on the pretext of marriage, therefore, the consent not being a free consent cannot be construed in favour of the petitioner.

In the facts and circumstances stated above, I am not inclined to grant Anticipatory Bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

U		T	
---	--	---	--

