

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2331 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -MAHILA PS District- DARBHANGA

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Md. Irshad @ Md. Irshad Parwez, Son of Md. Anjum Jeb, Resident of
Mohalla - Shahsupaa, P.S. Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 08-02-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 78 of 2016 registered under Sections 376, 313 and 323/34 of the Indian Penal Code, pending in the court of Sub-Divisional Judicial Magistrate, Darbhanga.

The allegation of informant is that, one year ago, she had gone to the mobile shop of the petitioner for purchasing of mobile set then this petitioner noted down her name and address saying that in the evening he will come with 10 mobile sets at her house, out of which, she may chose one of them. According to her will, petitioner reached at her house with 10 mobile sets then she chose one mobile set and asked about its price, on which,



petitioner gave the mobile set free of cost saying that this mobile set has been received by him by the company without cost and petitioner moved from there with nine mobile sets. Thereafter, petitioner used to visit the house of the informant and asked her to develop physical relation giving assurance to perform the marriage. On 16.10.2015, in the night, petitioner came at the house of the informant and at that time heavy rain started, on which, petitioner stayed at her house in the night and developed physical relation with her on assurance to perform the marriage. Thereafter, petitioner used to visit several times at her house for developing physical relation on assurance to perform the marriage. On giving pressure, petitioner put 'Sindur' on her forehead. When the informant asked the petitioner to perform the marriage saying that she has conceived pregnancy then petitioner asked her for abortion but she refused. Thereafter, petitioner started to neglect the informant and refused to perform the marriage then she narrated the entire incident to her family members and others, on which, petitioner assaulted her, in which, she sustained injury on her private part.

Learned counsel for the petitioner submits that, in fact, informant had taken mobile set to the shop of the petitioner on credit but the amount was not paid. When the petitioner made



demand then informant lodged the present case with false allegation of developing the physical relation. Further submission is that after the dispute arose due to non payment of the price of the mobile set, which was purchased by the informant, the petitioner has filed the Complaint Case No. 1236 of 2016 on 08.09.2016.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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