

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22714 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

=====

Md. Ajmal, Son of Noor Alam, resident of Dhansona, Police Station-
Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr Anuj Kumar Srivastava

=====

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

4 14-07-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Mahila P.S. Case No. 45
of 2016 for the offences punishable under sections 376, 313, 366,
341, 504, 506 and 120 B of the I.P.C.

Allegedly, the petitioner developed physical
relationship with the informant forcibly after closing her in a room
and gave assurance to marry with her and thereafter on the pretext
of marriage started developing physical relationship with her. He
brought her at Delhi where also he used to develop physical
relationship with her resulting the informant became pregnant and



then she was aborted, but later on the petitioner and his family members refused to marry with her.

Submission is of false implication and that FIR has been lodged after much delay, the case has been lodged only with a view to put pressure to marry with the informant and the petitioner is not ready for the same, all the allegations are concocted and baseless, the brother of the informant was working as labourer under the petitioner in Delhi, the petitioner is a man of respectable character, he is contractor, as alleged no offence under section 376 of the I.P.C. is made out because it was consented sex, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that at first the petitioner committed rape forcibly and thereafter it was consented sex on the pretext of marriage, so the offence under section 376 of the I.P.C. is made out.

In the facts and circumstances as stated above, considering that at first the petitioner committed rape with the informant forcibly and thereafter started developing physical relationship with her on the pretext of marriage and as such under these circumstances I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands



rejected in connection with the aforementioned case pending in the
court of S.D.J.M. Kishanganj.

(Jitendra Mohan Sharma, J)

Abhay/-

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

