

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29260 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -KURSAKANTA District- ARRARIA

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Budhan Mandal @ Budhan Kumar Mandal son of Jagdish Mandal Resident
of village - Jamua, P.S.- Kursakanta, Dist - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-08-2017 Heard both sides.

The petitioner apprehends his arrest in Kursakanta
P.S. Case No. 198/2016, registered for the offences punishable
under Section 376 and other sections of the Indian Penal Code.

The prosecutrix alleged that after death of her
husband, she came to live with her father. The petitioner used to
visit her house and forcibly established physical relation with her.
The petitioner agreed to marry with the victim, but later on the
petitioner refused to marry.

Learned counsel for the petitioner submits that the
victim was major girl. Even if the allegation made by the victim is
true, the victim appears to be consenting party. Now the case has
been compromised and the victim herself alleged that she did not



file the case. The police took her statement on a plain paper.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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