

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24863 of 2017

Arising Out of PS.Case No. -462 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Suman Kumar, S/o Hareram Pandit, R/o Village- Rasalpur Ekchari, P.S.-
Kahalgaon (Rasalpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dimpal Kumari, W/o Suman Kumar, D/o Prabhakar Pandit, R/o Village-
Rasalpur Ekchari, P.S.- Ekchari Kahalgaon, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner is stated to be the husband of the informant. He is facing accusations punishable under Sections 328 and 307 of the IPC.

The victim lodged the case that earlier the petitioner had committed rape on her. He was, however, forced by the society as well as the Court to marry her. She was living with the petitioner. On the date of occurrence, petitioner tried to administer stupefying substance in the drink. Her condition deteriorated and she was admitted in the hospital where the case was registered.

Contention of the petitioner is that she was not legally wedded wife of the petitioner. The accusations are



incorrect. The purpose is to put pressure on him.

Learned counsel for the State, on the other hand, points out that the prosecution case is that the informant was living with the petitioner as his wife. This fact itself establishes that they were husband and wife.

Be that as it may, considering the allegations levelled against the petitioner and the background of the allegations detailed by the informant in the FIR, I am not persuaded to extend him the privilege of anticipatory bail. Prayer is accordingly, rejected.

Petitioner shall surrender and pray for bail before the Court below. If he does so, the Trial Court shall consider his application for bail on merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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