

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5451 of 2017

Arising Out of PS.Case No. -2996 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Jamshed Alam son of Abdul Qaum, Resident of Village- Abhaipur, P.S.-
Rauta, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmeri Khatoon, daughter of Late Hibjul Rahman, Resident of Village-
Abhaipur, P.S.- Rauta, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan
For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 08-02-2017 Heard both sides.

The petitioner apprehending his arrest in connection with Complaint Case No. 2996 of 2015, instituted for the offence punishable under Section 376 of the Indian Penal Code and has approached this Court for grant of anticipatory bail.

The complainant who claims to be minor aged about 14 years has alleged that on 15.03.2015, this petitioner finding her alone entered into the house and committed rape on the point of dagger. He also threatened not to disclose about the occurrence and thereafter, he continued to establish physical relationship on several occasions on account of which she conceived. On the date of filing of complaint case she was pregnant of two months. She



has further alleged that this petitioner in spite of assurance of marriage did not marry and on 08.09.2015, he assaulted and asked to abort her pregnancy then he will perform marriage with her.

Learned counsel for the petitioner submitted that the physical relationship with the complainant was made on the pretext of marriage which does not make out a case under Section 376 of the I.P.C. rather the case comes under Section 406 of the I.P.C. The complainant was not medically examined and she is major.

Learned APP, on the other hand, opposed the prayer.

The complainant claims to be minor aged about 14 years and has asserted in complaint case as such. The specific allegation is that this petitioner on the point of dagger committed rape and thereafter on several occasions established physical relationship giving assurance to marry her and she conceived also.

Considering the specific allegation of committing rape on a minor girl, I am not inclined to extend him the privilege of anticipatory bail. The prayer is rejected.

(Sanjay Kumar, J)

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