

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46347 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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Biswakarma Bhagat, Son of Late Ramchandar Singh, Resident of Village-
Barharia Stand, Police Station- Siwan Town, District- Siwan.

.... Petitioner

Versus

1.The State of Bihar
2.Manisha Kumari, D/o Lalan Bhagat, R/o village- Babhnauli, P.S.-
Mairwa, Distt.- Siwan

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vipin Kumar Singh, Advocate
Mr. Rajesh Roy, Advocate
For the Opposite Parties : Mr. Kumar Virendra Narayan (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 17-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 341, 323, 376 of the Indian Penal Code and
Section 6/8 of POCSO Act.

It is alleged in the written report that petitioner on
the pretext of marriage with the informant, established physical
relationship with her and she became pregnant. He did not marry
with her. It is alleged that after her pregnancy, he took her on train
to Delhi but in the way, he got down from the train in Gorakhpur
and fled away. The informant complained with his parents then
they also assaulted her with leg, fists, slaps and ousted from the



house.

The learned counsel for the State has submitted that informant in her re-statement in para-2 of the case diary and in her statement u/s-164 of Cr.P.C supported the case and medical report of the victim is also available at para-45 wherein doctor has found the victim is pregnant of six months and aged to be 19 years. The notice was issued to the O.P. No.2 but she did not appear. The petitioner has submitted that he is ready to keep her as wife.

There is specific allegation in this case against the petitioner of establishing physical relationship with her after giving her assurance that he will marry her and thereafter she became pregnant. The medical report also supports the case of the informant. Therefore, this court is not inclined to grant bail to the petitioner. It is hereby rejected in connection with Siwan Mahila P.S. Case No. 67 of 2016, pending in the court of learned Additional District Judge-1st, Siwan.

It has been submitted on behalf of the petitioner in this court that he is ready to keep the informant as his wife and in that event petitioner is given liberty to file fresh petition in the lower court and in that event lower court after issuance of notice to the O.P.No.2 on getting satisfied that both parties are ready to live as husband and wife, will be at liberty to pass appropriate



order in accordance with law in favour of the petitioner.

(Sanjay Priya, J.)

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