

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2720 of 2017

Arising Out of PS.Case No. -206 Year- 2016 Thana -TARAIYA District- SARAN

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Abhishek Kumar Singh @ Abhishek Kr. Singh Son of Sri Madhav Singh
Resident of Village- Lauwan, P.S. Taraiya, Distt. Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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

3 08-03-2017 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 Taraiya P.S. Case No.
206 of 2016 for the offences punishable under sections 496 and
376/34 of the I.P.C.

Allegedly, the petitioner forcibly committed rape with
the informant when she was minor and assured to marry with her,
resulting the petitioner time to time developed physical
relationship with the informant. The petitioner put vermilion on
the forehead of the informant in a temple when she became major
but thereafter he refused to marry with her and started demanding



dowry. The father of the informant gave Rs. 5,00,000/- but again the petitioner and his family members demanded cash of Rs. 10,00,000/- and one Scorpio vehicle and caused threats, resulting father of the informant died due to brain hemorrhage and inspite of request made by other family members of the informant the petitioner settled his marriage at another place.

Submission is of false implication and that no offence under section 376 of the I.P.C. is made out, it was consented sex, the informant is the characterless girl and before lodging of the FIR the father of the petitioner has lodged informatory petition, the police officer has enquired the matter and has found the allegation of the informant false, there is contradiction in the statement of the informant with the statement recoded under sections 164 and 161 of the Cr.P.C. and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner has committed rape with the informant when she was aged 15 years and after giving assurance to marry continued his illegal work, resulting the informant became pregnant and she was aborted as per advice of the petitioner and his family members and inspite of



taking Rs. 5,00,000/- the petitioner is not ready to perform marriage at the social level, though in a temple he has put vermilion on the forehead of the informant.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M.- IX, Saran, Chapra.

(Jitendra Mohan Sharma, J)

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