

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26160 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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Kausar Khan, S/o Late Mohiuddin Khan, R/o- Vill.- Thali Khurd, P.S.- Govindpur, Distt.- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Mahila (Nawada) P.S. Case No. 54 of 2016 dated 03.11.2016 instituted under Sections 376/313/504/506/34 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is that his son had got into physical relationship with the informant on the pretext of marriage and she became pregnant and when she asked to marry, the son of the petitioner refused because the parents said that unless the



pregnancy was terminated, he could not marry her and later on he also got her pregnancy terminated but thereafter refused to marry her.

4. Learned counsel for the petitioner submitted that for the fault on the son, the petitioner being the father, cannot be held responsible. It was further submitted that the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned A.P.P. submitted that the petitioner, being the father of the person who had committed the physical act, cannot plead innocence as it is he who had refused to get the marriage solemnized and thus clearly is party to the victimization of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

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