

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48589 of 2016

Arising Out of PS.Case No. -588 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Ajeet Kumar Ram @ Guddu, son of Bindeshwari Prasad Ram, Resident of Hawaii Adda, Katihar, P.S. & District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Kumari, D/o Raj Kumar Sahni, wife of Harendra Sahni, Resident of Hawaii Adda, Katihar, P.S. & District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP
Mr. Bhola Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 16-02-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Katihar Town P.S. Case No.588 of 2015 instituted for the offence under Section(s) 313, 376 Indian Penal Code pending in the Court of the Chief Judicial Magistrate, Katihar.

There is specific allegation in the written report that the petitioner on the pretext of marrying the informant established physical relationship with her on account of which she became pregnant and, ultimately, he did not marry and got her pregnancy aborted.

It has been submitted on behalf of the petitioner that



as per the Complaint Petition, which was sent to the P.S. under Section 156(3) Cr. P. C., the girl was married from before and even if it is taken that physical relationship was established, then it may be a case of physical relationship with consent.

Counsel for the Opposite Party No.2 submits that the petitioner has established physical relationship with her after making her to believe that he will marry her and, therefore, ingredients of Section 376 Indian Penal Code will apply. The victim girl in her statement under Section 164 Cr. P. C. has fully supported the case.

The learned APP has submitted that the witnesses in the case diary have supported the allegation.

The petitioner as well as the victim girl are present in the Chambers. Father of victim girl is also present.

The petitioner has flatly refused of having established any physical relationship with her. However, he admitted that she is his neighbour.

The father of the victim girl as well as the girl has stated that the petitioner had taken her and kept with him for two years and thereafter he left her.

In view of such, since there is specific and serious allegation against this petitioner, which also gets support from the



statement of victim girl under Section 164 Cr. P. C. as well as statement made by the victim girl in Chambers during reconciliation, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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