

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38697 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -MAHILA P.S. District- PATNA

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1. Sagar Kumar Gahlaut, son of Ram Balak Paswan, resident of Village-
Bareo, P.S.- Akbarpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. N. P. Sinha, Sr. Advocate with
Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP
Mr. Binay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-08-2017

Heard learned Sr. counsel for the petitioner and
learned APP for the State as well as counsel for the Informant
(victim).

Petitioner apprehends his arrest in Mahila P.S. Case
No.26 of 2017 instituted for the offence under Section(s) 376,
313 Indian Penal Code pending in the Court of Smt. Sarika
Vahaliya, Judicial Magistrate, Patna.

Both petitioner and the victim (Informant) are
present in Chambers.

There is allegation by the victim girl that she has
been sexually exploited by the petitioner on the pretext of
performing marriage with her. He has also established physical
relationship with her on account of which she became pregnant.



Thereafter, he gave medicines due to which abortion took place. It is also mentioned in the written report that she has been married with this petitioner in Temple on 30.01.2017.

The victim girl in her statement under Section 164 Cr. P.C. has given similar statement as given in the written report.

The petitioner, however, denies of performing marriage with this petitioner. He has stated that he has been implicated in this case by the victim/informant merely to harass him.

Counsel for the petitioner has pointed out Annexure-2, which is reply of the petitioner to the Sr. Superintendent of Police, Patna, wherein, he has admitted about the relationship with the victim (Informant). He has admitted that he used to give articles of personal use to the victim (Informant) after purchasing the same from the market. He has stated that she gave proposal for marriage but he refused.

Counsel for the petitioner has further pointed out Annexure-3, the letter dated 16.05.2017 written by the victim girl to the Sr. Superintendent of Police, Patna, wherein, she has mentioned that she is withdrawing the allegation made against the petitioner.



On query, the victim (Informant) has stated in Chambers that the said letter was written by her before the Dy. Superintendent of Police, on the assurance that the matter will be settled but the matter was not settled and, therefore, she has filed the case on 16.06.2017.

The victim (Informant) has filed another case on 17.07.2017 against the petitioner in Mahila Police Station making allegation that he forcibly put vermilion on her head and also gave threat to kill her by pressing her neck.

It has been submitted by the petitioner that the victim (Informant) has made complaint to the Sr. Superintendent of Police, Patna, and a departmental proceeding has been initiated against him, who is Constable in CID.

From Annexure-2, it appears that petitioner was in contact with the victim (Informant) and he was knowing her as he used to give her articles for her personal use. The victim (Informant) in the written report as well as in the statement recorded under Section 164 Cr. P. C. has leveled specific allegation against the petitioner of sexually exploiting her and when she became pregnant he gave medicines for abortion. Such type of complaint was also sent by the victim (Informant) to the Sr. Superintendent of Police, Patna, and departmental proceeding



has been initiated against him.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law by the court below without being prejudiced by this order.

(Sanjay Priya, J)

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