

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52239 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -MAHILA PS District- EASTCHAMPARAN
(MOTIHARI)

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Ashish Kumar, Son of Achhelal Paswan @ Achchhelal Hajara, Resident of
Village - Amwa, P.O. and P.S. Kotwa, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 493, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offenses Act, 2012.

The petitioner was in physical relation with the informant on the pretext of marriage since five years. Subsequently, the petitioner refused to marry. The informant has already married with another man.

Submission of learned counsel for the petitioner is that offence, under Section 376 of the Indian Penal Code, is not made out as the informant was a consenting party.



In my view, *prima facie*, offence of cheating is made out against the petitioner. Hence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Mahila Police Station Case No. 19 of 2018 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari.

Petitioner may surrender and prayer for regular bail which shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

Kundan/Rajan

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