

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46463 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -MAHILA P.S. District- KISANGANJ

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1. Nitish Kumar @ Nitish Kumar Singh, S/o Ram Saran Singh, Resident of Mohalla- Sita Kund-Hasanpur, Police Station- Munger Mufassil, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Rajkishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-08-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Kishanganj Mahila P.S. Case No. 24 of 2018, registered for offences punishable under Sections 376 of the Indian Penal Code.

As per F.I.R., allegation against the petitioner is that the petitioner on the assurance to get marry with the informant he established sexual intercourse with her without consent but on the name of marriage, the petitioner demanded Rs. 10 lakhs as dowry.

Submission of the learned counsel for the petitioner is that the allegation against the petitioner is false and frivolous and the petitioner is only a Constable in Bihar Police having no criminal antecedent.

Learned A.P.P. as well as learned counsel for the



informant, oppose the prayer for bail stating that the F.I.R. itself shows that the petitioner has raped the informant without her voluntary consent.

In view of allegation against the petitioner, above named, I am not inclined to grant bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrenders before the Court below and makes prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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