

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25872 of 2018

Arising Out of PS.Case No. -368 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Dhirendar Roy @ Direndar Roy, Son of Hiru Lal Roy, Resident of
Village- Kadwa Toli, P.S.- Baisi, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vimla Devi @ Kalo Devi, D/o Sri Govind Rai, R/o Village-Kadwa Toli,
P.S.-Baisi, District- Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv
: Mr.Mazhar Alam, Adv
For the State : Mr.Shyam Kumar Singh, APP
For the Complainant : Mr. Pramod Kumar Mallick, Adv

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 376,504 and 323 of
the Indian Penal Code.

Allegation in the complaint petition is that
the petitioner was in physical relation with the complainant,
pretending that he would marry with her. Subsequently, the
complainant was pregnant from the petitioner. Thereafter,
the petitioner assured her to marry with her. However, later
on resiled.

Submission is that the matter is of



consensual physical relation. Hence, offence under Section 376 of the Indian Penal Code is not attracted. Petitioner is in custody since 26.02.2018. Investigation of the case is already complete. Moreover, the complainant was already a married lady which would be evident from the voter list at Page-17, wherein husband name is mentioned as Sri Prasad.

Learned counsel for the complainant submits that the complainant is still ready to marry with the petitioner and this Court had granted anticipatory bail to the petitioner vide Annexure-1 on undertaking of the petitioner to marry with the complainant, the petitioner did not fulfill.

Considering the entire facts of this case, in my view, a prima facie case of cheating as defined under Section 415 of the Indian Penal Code is made out against the petitioner. Hence, I am not inclined to enlarge the petitioner on bail in connection with Purnia Complaint Case No.368 of 2011 pending in the court of learned Chief Judicial Magistrate, Purnia/successor court.

Accordingly, prayer for bail is refused.

The learned trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period, the petitioner would be at liberty to renew his prayer for bail before the



learned trial court itself which shall pass reasoned order.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

