

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44027 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- WARISNAGAR District- Samastipur

SANJEET KUMAR @ SANJEET KUMAR MAHTO S/o Bishundeo Mahto,
R/o Vill.- Rohua Western, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Warisnagar P.S. case no. 78 of 2018 instituted for the offence under Section(s) 313, 376, 420, 406, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that from the complaint petition itself, it appears that physical relationship was going on between the parties for eight months on account of which the victim became pregnant. Therefore, no offence of rape can be said to have been committed by this petitioner. In the complaint petition which was sent to the police station under Section 156(3)Cr. P.C. it is alleged that this petitioner on the pretext of marrying the complainant established physical relationship with her for eight months and when she



became pregnant the petitioner gave her medicine for abortion and abortion took place on 16.7.2017. Thereafter, the petitioner did not perform marriage with the complainant.

In this manner, from the complaint petition itself, it appears that physical relationship continued between the complainant and petitioner for eight months till the complainant became pregnant. It is also mentioned in the written report that complainant took the medicine for abortion. Therefore, all those acts cannot be said to have been done without the consent of the complainant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Warisnagar P.S. case no. 78 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Samastipur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by



the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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