

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61385 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -ANTICHAK District- BHAGALPUR

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Vineet Kumar @ Binit Kumar S/o Jaldhar Mandal, R/o Village- Kalikapaur,
P.S.- Goradih, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari D/o Late Anil Mandal, R/o Village- Hrichak, P.S.-
Antichak, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 09-03-2018

Heard learned counsels for the petitioner, the
informant and the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 342, 323,
376, 313, 506 of the Indian Penal Code and Section 4 of the
Protection of Children from Sexual Offences Act.

The prosecution case got initiated with the written
report of Puja Kumari dated 16.08.2017 submitted before the
D.I.G., Bhagalpur, to the effect that the informant Puja Kumari,
aged about 17 years, was sexually exploited by the petitioner on
promise of marriage, since the last two years and whenever she
conceived, he used to get the pregnancy terminated. Since the



informant's father died, she became alone and as such she was trapped by the petitioner, but subsequently she was deserted by the petitioner, who declined to marry her. Whenever the informant used to persuade him to marry her, the petitioner used to assault her and confine and starve her and also used to threaten her of dire consequences, while the petitioner's father used to demand Rs.8,00,000/- for keeping her.

It is submitted by learned counsel for the petitioner that the informant is a major and the marriage between the petitioner and the informant was performed in Bateshwar Sthan Temple, Kahalgaon, Bhagalpur. The petitioner is still ready to keep the informant with dignity and honour. The medical report does not suggest any sign of termination of pregnancy. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that she was being exploited by the petitioner on promise of marriage. The actual marriage never took place and she does not want to keep any relation with the petitioner.

Considering the nature of accusation, particularly the fact there is no injury report on the record or medical report suggesting the age of the victim or the alleged offence being



committed nor the impugned order suggests that any medical report was produced for examination before the Sessions Judge, in the circumstances, this Court is not inclined to release the petitioner on anticipatory bail.

However, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by this order, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Antichak P.S. Case No. 51 of 2017 pending in the Court of learned 1st Additional Sessions Judge, Bhagalpur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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