

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14340 of 2018

Arising Out of PS. Case No.-200 Year-2017 Thana- PIRBAHOR District- Patna

Vikash Kumar @ Vikky S/o Shyambabu Rajak @ Shyam Kumar Rajak, R/o
Mohalla- Golakpur, Behind Balu Tal, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar
For the Opposite Party/s : Mr. Sri Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Pirbahore P.S. case no
200/17 instituted for the offence under Section(s) 376, 323, 504
and 506/34 of the Indian Penal Code.

The allegation in the written report is that he established
physical relationship with the informant on the pretext of
marrying her and he continued establishing physical relationship
with the informant for one year on account of which she became
pregnant. The victim girl got abortion. The petitioner became
ready to marry her. The family member of the petitioner were
not ready. The mother of the informant went to the house of this



petitioner for negotiation of her marriage but she was assaulted and abused. They got the petitioner disappear from the house.

Learned counsel for the petitioner has submitted that the statement of the victim girl has been recorded under Section 164 of the Cr. P.C. wherein she has been found to be major. She was consenting party.

The case diary has been received. The statement of the victim girl has been recorded. She has fully supported the case and stated that this petitioner on the pretext of performing marriage with her established physical relationship on account of which she became pregnant and ultimately she got abortion and then petitioner did not become ready to marry her. In such circumstances, this Court finds that even if there was consent as argued by counsel for petitioner, the same was under misconception that he will marry her. Such consent is not proper consent in terms of Section 90 of I.P.C. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail is accordingly rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without



being prejudiced by the present order.

(Sanjay Priya, J)

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