

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62148 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -MAHILA P.S. District- ARRARIA

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Md. Aakash Son of Md. Riyaj Resident of Shekh Tola, Dumariya Panchayat, P.O. - Palasi, Ward No. - 15, P.S. - Narpatganj, Dist - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Smt. Veena Rani Prasad.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2018 Heard the learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Araria Mahila PS case no. 59 of 2017 registered for the offences punishable under Sections 376, 341, 323, 504, 506 34 of Indian Penal Code and Sections 3,4 of the POCSO Act.

The allegation against the petitioner is committing rape with the victim girl, whereafter she became pregnant, however, the petitioner ran away to Shrinagar in the State of Kashmir when the petitioner was asked to marry the victim girl. It has been further alleged that the petitioner on the pretext to marry the victim girl, used to establish regular sexual relationship with the victim girl and finally when she became pregnant, the petitioner duped her



and fled away.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is ready to pay costs for conducting paternity test to determine as to whether the child belongs to him or not.

From the order dated 20.11.2017 passed by the learned trial court it is clear that the victim girl was carrying pregnancy, in the medical report the hymen was found to be ruptured and in her statement under Section 164 Cr. P.C. the victim girl has fully supported the version of the FIR. The case is also under investigation.

Though, I am not inclined to grant anticipatory bail to the petitioner at this stage, however, he may surrender before the court below and pray for conducting paternity test of the victim girl.

In such view of the matter, the present petition is dismissed with the aforesaid observation.

(Mohit Kumar Shah, J)

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