

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42478 of 2018

Arising Out of PS.Case No. -15 Year- 2017 Thana -CHUTIA SAHAYAK District- SASARAM
(ROHTAS)

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1. Baban Yadav S/o- Ram Janam Yadav R/o Village- Tiura, P.S. Chutiya,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2018 The petitioner is apprehending his arrest in connection
with Chutiya P.S. Case No. 15/17, registered for offences
punishable under 376/34 of the Indian Penal Code.

Allegation against the petitioner, who happens to be
devar (brother in law) of the informant is of commission of rape
with the informant on the promise of marriage and when the
informant became pregnant, he refused to marry her.

Submission of learned counsel for the petitioner that the
present false case has been lodged by the informant only with a
view to compel the petitioner to marry the informant as she has
been deserted by her husband and the statement of the informant
recorded under Section 164 Cr.P.C, in which, she has stated that
the petitioner made physical relationship with her a year ago and



she is still pregnant,, which itself suggest that she has filed the false and concocted case.

Learned counsel for the State opposed the prayer for bail on the ground that the witnesses have supported the allegation that the petitioner on the promise of marriage had made physical relationship with the informant.

Having heard both sides, in view of the facts and circumstances of the case as well as in view of the nature of allegation, I am not inclined to grant privilege of anticipatory bail to the petitioner rather he should surrender before the court below and pray for regular bail, which would be considered on its own merit.

(Vinod Kumar Sinha, J)

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