

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8820 of 2018

Arising Out of PS.Case No. -53 Year- 2017 Thana -MAHILA P.S. District- BANKA

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1. Amit Kumar Son of Shankar Pandit resident of Village- Chutiya P.S.
Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in relation to Banka (Mahila) P.S. Case No. 53/2017 registered under Sections 376/34 of the Indian Penal Code, pending in the court of learned Additional Chief Judicial Magistrate – IV, Banka.

Learned counsel for the petitioner submits that even though the case is under Section 376 I.P.C. but the fact remains that the victim lady is married to some other person which fact, she has accepted in course of investigation. It is also submitted that father of the victim girl is having some land dispute with the petitioner and



therefore it is a case of false implication.

On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail submitting that on perusal of the written complaint of the informant it would appear that this petitioner had allegedly taken her away on the pretext of love and had established relationship which resulted in pregnancy of the informant. Learned counsel submits that in the impugned order learned Sessions Judge has referred several paragraphs of the case diary wherein the prosecution witnesses have supported the allegations.

Considering the facts and circumstances of this case where there are specific allegation in the written complaint submitted by the informant that this petitioner had established physical relationship with her on pretext of love and then when she became pregnant he left her, I am not inclined to grant anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

Petitioner, if so advised, may surrender in the court below within a period of four weeks from today, if he prays for regular bail on surrender his prayer for regular bail



shall be considered by the court below on the basis of the materials which have been collected by the police in course of investigation and without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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