

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17035 of 2018

Arising Out of PS.Case No. -53 Year- 2017 Thana -MAHILA PS District- GAYA

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1. SHUBHAM JAISWAL S/o Shree Gulab Chandra Jaiswal Resident of
Village - Bharkuiya, P.S. - Brauli, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-04-2018 The petitioner is apprehending his arrest in connection with Gopalganj (Mahila) P.S. Case No. 53/2017, registered for offences punishable under Sections 493, 376, 341, 504/34 of the Indian Penal Code.

Allegation against the petitioner is of having physical relationship with the informant from 2012-15 on pretext of marriage. In 2015 petitioner poured vermilion in her head and when she went to the house of petitioner, all the accused person abused and ousted her from the house by assaulting.

It has been submitted on behalf of the petitioner that she was major and was a consenting party and as such no offence under Section 376 of the IPC is made out against the petitioner and this present false case has been filed only with an oblique



motive.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of offence, I am not inclined to grant the privilege of anticipatory bail to the petitioner, this application is accordingly dismissed.

However, the petitioner so desire may surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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