

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21794 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -MAHILA P.S. District- KISANGANJ

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Sakeel Akhtar @ Sakeel, Son of Salam, resident of village- Mushara,
Police Station- Terhagachh, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Kishanganj (Mahila) P.S. Case No. 01 of 2018** instituted for the offence under Sections 341, 323, 376 and 506/34 of the Indian Penal Code.

It is alleged in the written report that petitioner one year prior to lodging of the instant case, on allurement of marriage, called the informant in the house of Najra and committed rape with her. Thereafter, the petitioner established physical relationship with the informant several times on assurance to perform marriage with her. The informant told this petitioner to perform marriage but he refused to do so and fled away. The family members of the informant also gave threat to the



informant.

The victim girl has given statement under Section 164 Cr. P.C. wherein she has stated that petitioner has committed rape with her and thereafter established physical relationship several times on the pretext of performing marriage with her, but he finally did not perform marriage.

Learned counsel for the petitioner has submitted that petitioner established physical relationship with consent of the informant.

This Court from allegation in the written report finds that petitioner committed illegal act with the informant after giving promise to marry her. Therefore, such act by the petitioner can not be said to be done with consent of the informant in terms of Section 90 of Indian Penal Code.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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