

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14549 of 2019

Arising Out of PS. Case No.-483 Year-2018 Thana- KOTWALI District- Munger

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Raj Ballav Kumar @ Ballav Raj @ Raj Ballav Son of Subhash Yadav R/o
village- Bank, P.S.- Muffassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv

For the Opposite Party/s : Mr.Rajendra Nath Jha,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-05-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 376 of the Indian Penal

Code.

According to FIR, the petitioner was in

physical relation with the informant, pretending that he would

marry with the informant. When the informant insisted for

marriage, the petitioner put vermilion on her head to console her

that marriage has been solemnized, however, the petitioner did

not marry with the informant.

Learned counsel for the petitioner submits that

the victim was a consenting party, hence, offences alleged are

not applicable.



In my view, since consent was obtained by fraud, it was not a free consent, hence, offence alleged is prima facie made out. Hence, I am not inclined to enlarge the petitioner on bail in connection with Kotwali (Basudeopur O.P.) P.S.Case No.483 of 2018 pending in the court of learned Chief Judicial Magistrate, Munger. Prayer is refused.

(Birendra Kumar, J)

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