

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23488 of 2019

Arising Out of PS. Case No.-31 Year-2018 Thana- MAHILA PS District- Gopalganj

MANJIT KUMAR S/o Bikarma Rawat R/o Village- Chamanpura, P.S.-
Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-08-2019 This application, for grant of anticipatory bail, arises out of Gopalganj Mahila P.S. Case No. 31 of 2018, disclosing offences under Sections 496, 376 and 34 of the Indian Penal Code as well as under Section 4/6 of the Dowry Prohibition Act.

Allegation against the petitioner is of committing rape upon the informant, who is minor, promising marriage and when the informant became pregnant, the petitioner refused to marry her.

Submission of learned counsel for the petitioner is that from the F.I.R. itself, it is evident that the informant is consenting party in establishing physical relationship and from the matriculation certificate, it appears that she is major.

Learned counsel for the State opposed the prayer for



bail on the ground that the petitioner on fake promise of marriage made physical relationship and later on refused to marry her and the F.I.R. shows that the informant is minor.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case and also after verifying the age of the informant from her matriculation certificates, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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