

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1267 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- ABADPUR District- Katihar

Md. Musraf @ Mussarraff Hussain S/O Kabiruddin of Village- Borkhar, P.S.
Abadpur, District Katihar.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-01-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Abadpur P.S.Case No.124 of 2018 registered for offences punishable under Sections 376, 313, 307/34 of the Indian Penal Code.

Allegation against the petitioner of committing rape upon the minor informant on the assurance of marriage and alter on when she became pregnant, her pregnancy was got aborted .

Submission of the learned counsel for the petitioner is that she was a consensual party and later on both the parties have settled the dispute and the petitioner has married with the the informant. Further the Medical Board has found her age between 17-18 years.

Heard learned A.P.P. also.



Having heard both sides and in view of allegation of rape with minor girl, I am not inclined to grant anticipatory bail to the petitioner, however, if the petitioner surrenders before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below considering submission that now the petitioner has married with the informant and considering the same he will pass appropriate order.

With the aforesaid observation, this application is disposed of .

(Vinod Kumar Sinha, J)

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