

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42331 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- DHAKA District- East Champaran

Ram Prawesh Sah Son of Khobari Sah, Resident of Village- Narkatiya, P.S.-
Dhaka, District- East Champaran

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Dhaka P.S. Case No. 30 of 2019
registered for the offence punishable under Section 366(A) of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation that this petitioner had forcibly taken away the victim
girl is only an afterthought as it would appear from the materials
on record that the victim girl was aged about 19 and 1/2 years at
the time of alleged occurrence and she had gone on her own will
and volition with the petitioner and had also solemnized
marriage. This petitioner filed an application for the restitution
of conjugal rights.



Learned A.P.P. for the State submits that in her statement under Section 164 Cr.P.C. the victim girl has stated that she was forcibly taken away by the petitioner and she had been confined and subjected to physical relationship.

In the given facts and circumstances of the case, where there is an allegation that the petitioner has forcibly taken away the victim girl, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner.

In case, however, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the court below shall consider all the materials on the record and shall pass an appropriate order on the regular bail application without being prejudiced by the order of this Court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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