

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61716 of 2018

Arising Out of PS. Case No.-61 Year-2017 Thana- MAHILA P.S. District- Madhubani

Md. Asalam, son of Gulzar, Resident of Village- Basha, P.S. Babubarhi,
District- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Murlidhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Mahila (Madhubani) P.S. Case No. 61 of 2017, corresponding to G.R.No. 58 of 2017, registered for the offences punishable under Sections 341, 323, 376, 34 of the Indian Penal Code and Section 4 of POCSO Act.

Allegation against the petitioner is of having physical relationship with the informant on the pretext of marriage and when the family members of the informant came to the house of the petitioner they were abused and assaulted.

Submission of learned counsel for the petitioner is that FIR itself shows that she was a consenting party and this case has been lodged in order to create pressure upon the petitioner for marriage.

Heard learned APP also, who has opposed the prayer



for anticipatory bail on the ground that the informant is a minor which appears from the FIR as well as her statement under Section 164 Cr.P.C. and she has supported the allegation in her statement.

Having heard both sides and in the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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