

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50133 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- MAHILA P.S. District- Samastipur

Md. Masoom @ Md. Masum Son of Late Md. Mustakim, Resident of Village
- Mohammadpur Koari, P.S.- Waini O.P. (Tajpur P.S.), Distt - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Gulnaj Pravin D/o Md. Ashgar, R/o Village Mohammadpur Koaari, P.O.
Waini, P.S. Tajpur, District Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Samastipur Mahila P.S. Case No. 45 of
2018 registered for the offences punishable under Sections 323,
341, 376, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. It is further
submitted that the present prosecution has been lodged due to
differences on the point of marriage between the parties. It is not
a case of under Section 376 IPC rather the averment made in the
written report makes out a case of Section 420 IPC.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of this case, wherein it is the allegation against the petitioner that he was establishing physical relationship with the victim girl for about two years when she was minor on the promise of marrying her and later on the petitioner refused to marry with the opposite party no. 2 because her family was unable to pay the demanded amount, in the opinion of this Court, it is not a fit case for grant of anticipatory bail.

The application is dismissed.

In case, petitioner surrenders in the court below and prays for regular bail within a period of four weeks from today, his regular bail shall be considered on its own merit without being prejudiced of the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

