

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55721 of 2019

Arising Out of PS. Case No.-441 Year-2018 Thana- ISLAMPUR District- Nalanda

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AJEET KUMAR S/o Bulak Mahto R/o village- Sakroda, P.O.- Saristabad,
P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-09-2019 Heard both sides.

The petitioner apprehends his arrest in Islampur P.S.
Case No.441 of 2018 registered under Section 376 of the Indian
Penal Code.

The informant filed complaint case on the basis of
which the present F.I.R. was registered. The informant alleged
that after death of her husband, the petitioner, being brother of
her husband, firstly committed rape with her after taking wine
and thereafter, established physical relation on assurance to
marry with the victim.

The learned counsel for the petitioner submits that
from perusal of the legal notice dated 12.09.2018 sent by the
victim, it would appear that victim alleged to have been raped
on several occasions but the victim alleged in her complaint



petition that firstly she was raped on 07.10.2018. The victim is a major. She is a consenting party and no offence under Section 376 I.P.C. is made out.

Learned counsel for the informant as well as learned A.P.P. however opposed the prayer for bail and submitted that victim is a helpless widow. Her husband died and thereafter none else than the brother of her deceased husband forcibly established physical relation with her and when the victim protested, the petitioner assured her to get married.

Taking into consideration the fact that petitioner is none else than the own brother of the deceased husband of the informant and he forcibly established physical relation with his own bhabhi(sister-in-law), I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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