

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA P.S. District- Madhubani

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA P.S. District- Madhubani

Surendra Singh, S/o Sri Ram Deo Singh alias Nunu Singh, Resident of Village- Kadma, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kant Choudhary

For the Opposite Party/s : Mr.Md. Arif

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

[illegible]

The petitioner apprehends his arrest in connection with Mahila (Women) P.S. Case No. 33 of 2017, registered under Section 376 and 504/34 of the Indian Penal Code and Section 4J of POCSO Act, pending in the court of the 1st Addl. Sessions Judge-cum-Special Judge, Madhubani.

The accusation is that in the month of October, 2016 at about 7.30 P.M., informant aged about 16 years had gone in the filed for call of nature. At that time, petitioner caught hold her forcibly and committed rape, when informant told the petitioner to inform this matter to her parents then petitioner gave allurements to perform marriage with her. Thereafter, on the pretext of marriage, petitioner developed



physical relation with the informant. In the meantime, informant conceived pregnancy of two months. Then she narrated the incident to her mother, whereupon the parents of the informant approached to the petitioner then petitioner and his family members forced her for abortion and also abused. Thereafter, Panchayati was arranged on 30.04.2017, but petitioner and his family members did not appear.

Learned counsel appearing on behalf of the petitioner submits that petitioner, who is co-villager of the informant, has falsely been implicated in this case only to put undue pressure to perform marriage with the informant.

On the other hand, learned Addl. Public Prosecutor for the State opposed the pre-arrest bail of the petitioner and submits that informant has supported the prosecution case in her statement recorded under Section 164 of Cr.P.C. and in the medical examination, the age of the informant was assessed between 17 to 18 years on 07.05.2017 and the pregnancy of 33 weeks has also been detected.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands



rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

manish/-

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

