

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.181 of 2019**

Arising Out of PS. Case No.-28 Year-2018 Thana- MAHILA P.S. District- Siwan

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Pramod Yadav S/o - Bhagwan Shankar Rai resident of Village- Kalyanpur  
Dih, P.O. - Kalyanpur P.S.- Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Anish Chandra

For the Respondent/s : Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA  
ORAL JUDGMENT**

**Date : 27-02-2019**

The appellant seeks pre arrest bail in connection with Mahila  
P.S. Case No. 28/2018, registered for offences punishable under  
Sections 376 of the Indian Penal Code and Section 3(i)(w)(ii), 3(ii)  
(va) of SC/ST Act.

Allegation against the appellant is of committing rape upon  
the informant on the false promise of marriage and she also became  
pregnant.

It has been submitted on behalf of the appellant is that he  
has falsely been implicated in this case and there was love affair  
between the parties out of which, they made consensual physical  
relationship and the girl is major.

Learned Special P.P. opposed the prayer for bail on the  
ground that the appellants established physical relationship with the  
informant on the pretext of marriage and further the girl is also



minor.

Having heard both sides, considering the facts and circumstances and the nature of accusation, this is not a fit case for grant of anticipatory bail rather appellant should surrender before the court below and make prayer for regular bail, which will be disposed of by the court below on the merit of the case, without being prejudiced by the order of this Court.

Accordingly, this appeal is dismissed.

**(Vinod Kumar Sinha, J)**

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