

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1875 of 2020

Arising Out of PS. Case No.-590 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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ANISH KUMAR Son of Dharmendra Singh Resident of Village - ITI colony,
Jay Prakash Nagar, Ward No. 9, East Kargahiya, P.S.- Bettiah, Muffasil,
District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Advocate.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-09-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 365 and
366(A)/34 of the Indian Penal Code.

According to F.I.R., the petitioner and others are
alleged to have induced a minor girl to go with them and took
her on a motorcycle. In her statement under Section 164 Cr.P.C.,
the victim girl has alleged that the petitioner had asked her to go
to coaching institute. Thereafter, he took her to his house and
pressurized for marriage. Victim girl refused for marriage, then
petitioner kept her forcefully in his house. When the police



raided the house, the victim was recovered. She expressed her desire to go with her parents.

Learned counsel for the petitioner submits that a copy of the love letter written by the victim girl is available at Page-22. Moreover, the petitioner had lodged earlier case alleging that, in fact, he was induced by the named accused to go with them. Thereafter the present F.I.R. was lodged.

There is no dispute that on the date of occurrence the victim girl was a minor, as such her consent or no consent was immaterial. Nor her love letter would be considered in favour of the petitioner at this stage as evidence of consent because even sexual intercourse with his own wife with consent when wife is below 18 years of age comes within definition of rape.

Therefore, in my view, the petitioner does not deserve protection of law. Hence, prayer for anticipatory bail is refused in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 590 of 2019.

(Birendra Kumar, J)

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