

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3704 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- MAHILA PS District- Gaya

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RANJEET KUMAR Son of Raju Paswan Resident of Village- Garaiya, P.S.-
Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-09-2020 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 376, 504 and 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

According to F.I.R., the petitioner induced to the informant that he would marry with her and in December 2018 forcefully established physical relation with her. Thereafter the marriage could not be solemnized due to non-fulfillment of demand of dowry by the parents of the petitioner.

Learned counsel for the petitioner submits that the victim was a consenting party and the F.I.R. was lodged after



delay of 10 months. The doctor has assessed the age of the victim as 19 years on the date of her examination by the doctor on 14.10.2019.

Victim has supported the allegation in her statement recorded under Section 164 Cr.P.C. and she has disclosed her age as 18 years.

In any view of the matter, victim was a minor when she was first sexually assaulted, as such her consent or no consent was immaterial.

Therefore, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Mahila (Gaya) P.S. Case No. 27 of 2019.

Hence, prayer for bail of the petitioner is refused.

The petitioner may surrender and pray for regular bail.

(Birendra Kumar, J)

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