

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9768 of 2020

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHILA P.S. District- Kishanganj

Hari Mohan Kumar, son of Late Jharu Lal, resident of Kurimani Police
Station Thakurganj, District Kishanganj. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 313/511, 376 & 504/34 of the Indian Penal Code.

On the assurance of marriage, the petitioner is said to have committed rape against the informant several times and when she compelled the petitioner to get marry then he took her to his house and gave her medicine to abort her and told her that unless and until the matter of pregnancy is not confirmed the marriage will not be performed.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been



falsely implicated in this case. They were in love with each other. Victim is aged about 18 to 20 years. No sign of sexual intercourse has been found in the medical report. The petitioner belongs to a sound family and only with a sole motive to solemnize marriage with the petitioner this false case has been lodged against him. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner has committed rape against the victim several times on the assurance of marriage and now he is refusing to marry with her, hence he does not deserve bail.

Considering the facts and circumstances of case and particularly the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the same very day.

(Anjani Kumar Sharan, J)

Trivedi/-

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

