

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22235 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- MAHILA P.S. District- Saharsa

Pappu Kumar @ Pappu Yadav, Age 35 years, Male, S/o Shailendra Yadav,
Resident of Village Ghoghanpatti, P.S. Sour Bazar (Patarghat O.P.), District
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 06-10-2020 Heard Mr. Nafisuzzoha, learned counsel for the
petitioner and Mr. Nand Kishore Prasad, learned Additional P.P.
through video conferencing.

The petitioner apprehends his arrest in Saharsa Sadar
Mahila P.S. Case No.75 of 2019, registered under Sections 376,
312, 313, 406, 420 and 120(B) of the Indian Penal Code.

The informant disclosed in her complaint petition,
which is the basis of the FIR, that her son died in the year 2009
and thereafter the petitioner used to visit her house. The
petitioner on the pretext of the marriage established physical
relation with her. The petitioner thereafter started using her
ATM and withdrew more than Rs.7,00,000/- from her account.
The petitioner got her signature on different plain papers and
thereafter the petitioner subjected her to physical and mental
torture and drove her out from the house.

Learned counsel for the petitioner submits that the
petitioner has never established physical relation with the



victim. The prosecutrix is a widow. The prosecutrix herself alleged that that the petitioner continued to have physical relation with her but she never raised any protest. She has filed the complaint petition only on 06.08.2019 while they were living together. No offence under Section 376 of the Indian Penal Code is made out. It is further submitted that during the course of investigation when the Investigating Officer requested the victim to give her statement under Section 164 Cr.P.C., she refused to give her statement under Section 164 Cr.P.C. and also refused to be examined by the doctor, therefore, the petitioner deserves anticipatory bail, but it appears that the petitioner after death of the husband of the prosecutrix, on the pretext of marriage, physically exploited her. The petitioner also withdrew huge amount from the account of the informant and thereafter she was driven out from the house.

Taking into consideration the facts aforesaid and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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

