

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22977 of 2020

Arising Out of PS. Case No.-118 Year-2019 Thana- JANKINAGAR District- Purnia

Khalid Ansari about 21 years male Son of Md Tafezul Ansari @ Tafezul resident of Village Jogiganj P.S. Bhargama District Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-12-2020 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned counsel for the State through video conferencing.

Petitioner apprehends his arrest in connection with Janki Nagar P.S. Case No. 118 of 2019 registered for the offence under Section 376 , 34 of the I.P.C.

The allegation as per the First Information Report is that the petitioner by giving assurance to the informant that he would marry her established physical relationship and exploited the informant sexually since August, 2018 till May, 2019 and subsequently refused to marry the informant.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and in the First Information Report the informant has disclosed



her age as 18 years.

On the other hand, learned counsel for the State submits that petitioner on the basis of false assurance of marriage exploited the informant sexually for the last more than one year and as per the medical report the age of the informant is 16-17 years. Learned counsel further submits that the petitioner had no intention from the very beginning to marry the informant and the consent, if any, given by the informant to the petitioner was based upon the assurance of marriage by the petitioner and as per Section 90 of the I.P.C. consent on the basis of misconception of fact is no consent in the eyes of law and as such the petitioner does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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