

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29259 of 2020

Arising Out of PS. Case No.-285 Year-2019 Thana- SIKARPUR District- West Champaran

VIVEK KUMAR Son of Kamal Kishore Choudhary Resident of Village-
Tarharwa, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Opposite Party/s : Mr.Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

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

The petitioner apprehends his arrest in Shikarpur P.S.
Case No. 285 of 2019, registered for the offences punishable
under Sections 313, 120(B), 323, 504, 506, 376 and 366/34 of
the Indian Penal Code.

Prosecution case in brief is that this petitioner is
alleged to have abducted the informant and took her to Delhi for
the purpose of marriage and also established physical relation
with her resulting into her pregnancy. Thereafter, petitioner
forcibly committed miscarriage and refused to marry her.



It is submitted that petitioner has been falsely implicated in this case. Petitioner is next door neighbour and there is relation of *Dewar* and *Bhabhi* between the petitioner and informant. Informant is major aged about 27 years old. Medical test has also not been conducted, so no case under Section 376 IPC is made out against this petitioner. Petitioner has got clean antecedent, as stated in para 3 of the petition.

However, counsel for the State vehemently opposed the prayer for bail and submitted that there is specific allegation of abducting and establishing physical relation on the promise of marriage against this petitioner.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioner above-named on anticipatory bail at this stage. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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