

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44748 of 2019**

Arising Out of PS. Case No.-11 Year-2019 Thana- MAHILA P.S. District- Araria

Md. Ajmal @ Mohammad Ajmal, Son of Mohammad Vasik, Resident of Village-Malhararia, Police Station-Mahalgaon, District-Araria @ Purnia (Bihar)-854325.

... .. Petitioner

Versus

1.The State of Bihar
2. Jumera Khatoon (F), aged 20 years, D/O Tabrej, Vill-Malhararia, P.S. Mahalgaon, Dist.-Araria - 854325

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Subodh Kumar Barnwal, Advocate
For the Opposite Party/s :	Mr.Pramod Kumar Pandey, A.P.P.
For the Informant :	Mr. Md. Ziaul Quamar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 28-09-2020 Heard Mr. Subodh Kumar Barnwal, learned counsel for the petitioner, Mr. Pramod Kumar Pandey, learned A.P.P. for the State and Mr. Ziaul Qumar, learned Advocate representing opposite party no. 2.

In this case on 29.07.2019 after making a statement before the Court that the petitioner is ready to enter into marriage with the victim lady who had got pregnant after the petitioner established relationship with her, this Court granted him interim protection while issuing notice to opposite party no. 2. Thereafter, the record shows that the learned counsel for the petitioner kept on making prayer for time. On 16.11.2019 and 20.02.2020 matter was adjourned on the request of learned



counsel for the petitioner. On 27.02.2020 the matter was adjourned for 19.03.2020 as no one appeared for the opposite party no. 2. On 12.06.2020 learned counsel for the petitioner did not appear. On 04.09.2020 after noticing the aforesaid facts appearing from the record when this Court found that learned counsel for the petitioner was again not appearing that day, this Court vacated the order of protection and passed order that on the next date this case will be heard and disposed of on its own merit.

On 16.09.2020 learned counsel appeared and prayed for one week time as a matter of last indulgence to enable him to argue the matter. This Court accepted the prayer. Today, when the matter has been taken up once again learned counsel for the petitioner is praying time on altogether on different footing that his Clerk is not available.

This Court is not ready to give further indulgence to learned counsel for the petitioner hence, the prayer for adjournment is refused and learned counsel for the petitioner is called upon to argue the matter.

Despite dictating the above order and calling upon the learned counsel for the petitioner to argue the matter he has kept on insisting for adjournment. In this circumstance, this Court



proceeds to consider this application on the basis of the materials available on the record.

The petitioner in the present case is seeking anticipatory bail in connection with Araria (Mahila) P.S. Case No. 11 of 2019 registered for the offences punishable under Section 376 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, 1961.

The allegation against the petitioner is that he made sexual relationship with the victim since the year 2017 with a promise to marry her and when the victim became pregnant and she started making pressure upon the petitioner to marry her, the petitioner kept on avoiding the same on one pretext or the other. This was brought to the notice of the parents of the victim thereafter a Panchayat was held in which the petitioner accepted having sexual relationship with the informant and promise that after birth of the child both will marry.

The informant gave birth to a female child whereafter the parents of the informant went to the family of the petitioner with proposal of marriage but then they were abused and demanded Rs. 2,00,000/- in cash besides motorcycle and other articles. In her statement under Section 164 Cr.P.C. also the victim girl has supported the allegations.



Learned A.P.P. for the State and learned counsel for the informant have jointly opposed the prayer for anticipatory bail of the petitioner.

It appears that even before this Court on 29.07.2019 learned counsel for the petitioner submitted that the petitioner is ready to enter into the marriage with the victim lady, thus, prima-facie the allegations coming in the F.I.R. finds support from the stand taken in course of this proceeding. Since the petitioner has not abided by his promise made before this Court on the basis of which he had taken the interim protection, this Court finds that the allegations being serious in nature and it is a case of sexual abuse of the victim girl on the pretext of marriage, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The prayer is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

