

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63571 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- DAUDPUR District- Saran

Sanjeev Giri @ Sanjeev Kumar Giri, S/o Mokhtar Giri @ Mukhtar Giri, R/o village- Balokhra, P.O. and P.S.- Daudpur, District- Saran at Chapra

... .. Petitioner

Versus

1. The State of Bihar
2. Manisha Kumari, D/o Lalan Giri, R/o village- Manpura, P.S.- Daudpur, District- Saran at Chapra

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Akhileshwar Pandey, Advocate

For the Opposite Party/s : Mr.Ajay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Daudpur P.S. Case No. 70 of 2019 registered for the offences punishable under Sections 406, 420, 120B, 323, 341, 376, 504 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The allegation against the petitioner has been made by the victim lady who has alleged that her father had arranged her marriage with the petitioner and in terms of the settlement of marriage her father had given some gift and cash also to the petitioner and it was agreed that the marriage will be solemnized after six months. Thereafter, the petitioner established physical relationship with the victim girl and after six months when the



father of the victim girl went to the house of the petitioner to fix the marriage date, the family of the petitioner started demanding a motorcycle. It is alleged that petitioner had sexually exploited the victim girl for over six months.

Learned counsel for the petitioner submits that the victim girl is residing in the same village in which this petitioner has got his maternal uncle's house and he used to visit there but there was no talk of marriage between the petitioner and the victim girl. According to him, at this stage, petitioner is being pressurized to marry.

On the other hand, learned counsel for the informant submits that the victim girl has herself come out to say that this petitioner had established physical relationship with her in the garb of the arranged marriage which was already fixed between them and such statement of the victim girl must inspire the confidence of this Court to take a view that the victim girl who is young lady will not come out with such statement which goes against her own chastity unless there is a truth in the same and she has suffered that sexual exploitation.

It is submitted that in course of investigation the witnesses have supported the case against the petitioner saying that he used to go to the house of the informant.



Learned A.P.P. for the State has also supported the case of the informant.

Considering the facts and circumstances of the case and taking note of the allegations made by the victim girl herself, this Court accepts the submission on behalf of the informant. In course of investigation also it has come that the petitioner was visiting the house of the informant and the medical examination report showing habitual sex supports that the victim girl was made to sexual exploitation over a long period.

In these circumstances, I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Rajeev Ranjan Prasad, J)

vats/-

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