

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79461 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- MAHILA P.S. District- Banka

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GOURAV KUMAR @ KUMAR GOURAV, Son of Chandra Maleshwar Mishra, Resident of Village - Goyara, P.O. - Ramchua, P.S. - Shambhuganj, District - Banka, at present - Ward No. 15, D.M. Road, Babu Tola, P.S. and District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 448, 376, 342 and 506/34 of the Indian Penal Code.

The FIR as well as statement of the victim-girl recorded under Section 164 Cr.P.C. reveals that physical relation with the victim was established by the petitioner by alluring her that petitioner would marry with her. The victim was a minor.

Sexual intercourse with own wife with her consent, if she is below 18 years of age, is rape, therefore, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Banka Mahila P.S. Case No. 53 of 2019 pending in the court of learned Chief Judicial Magistrate, Banka.



Hence, prayer for anticipatory bail is refused.

Petitioner may surrender within a period of ten days from the date of receipt/production of a copy of this order and pray for regular bail.

(Birendra Kumar, J)

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