

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84673 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- BAHADURGANJ District- Kishanganj

SURAJ KUMAR SINGH Son of Sukdev Prasad Singh, Resident of Village-
Masangaon, P.O. and Panchayat Mahesh Bathan, P.S.- Bahadurganj, Distt-
Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 27-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bahadurganj
P.S. Case No.153 of 2019 registered under Sections 376, 341,
323, 428, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that the petitioner enticed her
minor daughter and established physical relation with her on the
pretext of marriage. When the informant approached the parents
of the petitioner to solemnize marriage then all refused and
demanded Rs.5 lacs for solemnizing marriage.

Mr. N.K. Agrawal, learned senior counsel for the
petitioner submits that the victim is a consenting party. From
perusal of the statement of the victim, it would appear that the
victim herself took the mobile number of the petitioner from his



cousin. She started talking with the petitioner. On call, she went to meet the petitioner. All these facts show that the victim is a consenting party and she established physical relation with the petitioner out of her free will, but it appears from perusal of the medical report that the victim is a minor girl aged between 15-17 years. The victim also alleged that on the pretext of marriage, the petitioner established physical relation with her.

Having considered the facts aforesaid and the fact that the victim is a minor girl, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by the order of this court.

(Prabhat Kumar Jha, J)

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