

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1912 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- SHAMBHUGANJ District- Banka

CHHATISH KUMAR @ SATISH KUMAR S/o Sri Tarni Das @ Tanni
Mandal Resident of Padriya, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Anurag Singh
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 177 of 2019, registered for the
offence punishable under Sections 376, 313 of the Indian
Penal Code and Section 4 of the POSCO Act.

The case of the prosecution, as per the written report of
the informant aged about 15 years, is that the petitioner herein
had about four months back entered into the empty house of the
informant and had committed misdeed with her and when she
had protested, he had bluffed her with the promise of marrying
her, whereafter he used to regularly establish physical
relationship with her. It is further alleged by the informant-
victim girl that when she became pregnant, she pressurized the



petitioner to marry her, however, the petitioner flatly refused to marry her. Subsequently, it is alleged that the petitioner had administered medicine to the informant which had resulted in abortion of the fetus, she was carrying in her womb.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.7.2019. It is further submitted that the petitioner is having a clean antecedent and the dispute has been settled and compromised in between the parties.

I have heard the learned counsel for the parties and perused the materials on record. In paragraph no. 23 of the case diary, the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate has been recorded, wherein she has substantiated the statement made by her in the FIR and she has further submitted that the petitioner had established physical relationship with her forcibly and when she had become pregnant, he refused to marry her and instead he administered some medicines resulting in abortion of the fetus. It is further apparent from paragraph no. 32 of the case diary that the police, upon a detailed investigation of the entire matter, has found enough evidence to prima facie come to a conclusion



that the allegations levelled by the informant against the petitioner are prima facie true, hence, the police has filed a charge-sheet against the petitioner herein for commission of the offences, as alleged.

Considering the materials available in the case diary, the gravity of the offences alleged as also the seriousness of the charges levelled by the informant against the petitioner herein, this Court does not find the case of the petitioner to be a fit case for grant of regular bail to him, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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