

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18081 of 2021

Arising Out of PS. Case No.-707 Year-2020 Thana- KANKARBAG District- Patna

PHULBABU KUMAR MUKHIYA @ PHULABABU KUMAR MUKHIYA,
SON OF UMESH MUKIYA, R/O - WARD NO.12, VILLAGE- BALANTH,
P.S.- KUSHESHWAR STHAN, DISTRICT- DARBHANGA, PRESENTLY
WORKING AS CONSTABLE AT G.R.P., PATNA ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner	:	Mr. Navnit Kumar, Adv.
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Ms Nisha Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner, the learned counsel for the informant and the learned Additional Public Prosecutor appearing for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite Court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420 and 376 of the Indian Penal Code.

The informant-victim alleged in her written complaint that the petitioner, Phulbabu Kumar Mukhiya @ Phulababu Kumar Mukhiya, is establishing physical relation with her from the last seven months on the pretext of marriage. It is, further,



alleged that on 12.09.2020 she came in a room to establish physical relation on the pretext of marriage, but, in the meantime her family members came in the room and brought them to Police Station where the accused persons executed a bond for solemnization of marriage within four months. After some time the petitioner refused to marry with the victim, namely, Mamta Kumari who supported her version mentioned in her complaint in her statement recorded under Section 164 of the Criminal Procedure Code.

After considering the facts and circumstances of the case since it is a case of committing rape at the instance of solemnization of marriage with the victim, it is not a fit case for grant of anticipatory bail. Hence, the prayer for anticipatory bail is **rejected**.

The petitioner is directed to surrender before the Court below and pray for regular bail and the learned lower Court may consider the same without being prejudiced of this order.

(Sunil Kumar Panwar, J)

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