

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17977 of 2021

Arising Out of PS. Case No.-648 Year-2020 Thana- PHULWARISHARIF District- Patna

Rajan Kumar @ Ranjan Kumar, aged about 31 years, male, Son of Ramlal Prasad @ Ramlal, Resident of Ward No. 12, Pethiya Bazar, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Informant	:	Ms. Kumari Anupam, Adv.
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 20-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Phulwarisharif P.S. Case No. 648 of 2020, dated 26.11.2020, instituted for the offences under Sections 313, 376, 420, 323, 504, 506 and 34 of the Indian Penal Code.

The accusation against the petitioner is of having



kept the prosecutrix as his wife for three years but refusing to marry her. She was also made to abort when she had developed pregnancy.

It has been submitted on behalf of the petitioner that it appears from the narration of the F.I.R. that the relationship between the parties was consensual and the prosecutrix is a major. It has further been submitted that assuming every accusation in the F.I.R. to be true, no offence under Section 376 of the I.P.C. can at all be said to have been made out against the petitioner.

True it is that the prosecutrix is a major who has taken her own decisions in life, but regard being had to the background facts, the nature of accusation and the fact that she was forcibly made to abort, attracting the mischief of Section 313 of the I.P.C., that she consented to the physical relation with the petitioner only on the assurance of marriage, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.



The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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