

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26621 of 2020

Arising Out of PS. Case No.-19 Year-2016 Thana- MAHILA P.S. District- Saran

BHOLA PASWAN S/o Moti Chandra Paswan Resident of Village- Pilwabi,
P.O.- Pakari, P.S.- Mashrakh, Distt- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar,Adv

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-01-2021 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 420,376/34 of the Indian Penal Code and 3/4 D.P.Act.

According to FIR, the petitioner established physical relation with the informant pretending that he would marry with the informant. Later on, marriage was refused on the ground that family members of the petitioner are not ready for non-fulfillment of dowry demand. The Doctor has found hymen of the victim ruptured.

Learned counsel for the petitioner submits that father of the informant had also lodged a case for non-solemnization of marriage due to non-fulfillment of the whole demand of dowry.



Thereafter, the present case was lodged and in both the cases, the parties have entered into a compromise. The age of the victim has been assessed by the Doctor as 19 years.

Since prima facie it appears that the consent of the victim was obtained by fraud, hence, that was no consent. As such, offence of rape is prima facie made out for the purpose of consideration of this prayer for anticipatory bail. Hence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Mahila P.S. Case No.19 of 2016 pending in the court of learned S.D.J.M., Saran at Chapra.

Petitioner may surrender and pray for regular bail.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

