

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37491 of 2020

Arising Out of PS. Case No.-765 Year-2019 Thana- JAKKANPUR District- Patna

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BIR KUNAL SINGH @ BEER KUNAL SINGH @ VEER KUNAL SINGH Son
of Ramji Singh Resident of Village - Barewa, P.O. and P.S.- Haidar
Nagar, Dist.- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Adv.
	:	Mr.Vishal Vikram Rana, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Suresh Gandhi

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 22-06-2021 Heard Mr. Prabhakar Singh, learned counsel for

the petitioner and Mr. Suresh Gandhi, learned counsel for

the informant. The State is represented by Mr. Ram Priya

Sharan Singh, learned APP .

The petitioner seeks bail in anticipation of his

arrest in connection with Jakkanpur P.S. Case No. 765 of

2019 instituted for the offences under Sections 376, 315

and 120B of the Indian Penal Code.

The accusation against the petitioner is of having

entered into physical relationship with the prosecutrix and



having refused to marry her as promised. When she became pregnant, an attempt was made by the petitioner to get her aborted and the petitioner was successful in doing so.

Learned counsel for the petitioner, however, has submitted that the accusation is absolutely false and concocted. The prosecutrix is a married woman and earlier, she had filed a case against her own husband. Against the petitioner also, she had made some accusations in the past but such complaint was withdrawn. He, therefore, submits that only because the petitioner is in Government service, working as a Constable in the State of Jharkhand, the prosecutrix has chosen this method to anyhow coerce the petitioner from marrying her.

As opposed to the aforesaid contentions, Mr. Gandhi, learned counsel for the informant has submitted that from the own showing of the petitioner, he was in a live-in relationship with the prosecutrix. Assuming but not admitting that such relationship was by virtue of consent, it has been urged on behalf of the prosecutrix that it cannot be straight away doubted that such voluntary submission to sexual desire of the petitioner was on account of an assurance given by him that he shall marry her. Apart from



this, it has been submitted that making an women abort without her consent is also a substantive offence and once the same has been alleged in the First Information Report, the petitioner does not deserve the privilege of anticipatory bail. Learned counsel for the informant has also pointed out that the prosecutrix was earlier married to some person but today she is a divorcee.

Considering the nature of accusation against the petitioner, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account entire background facts and shall pass order in accordance with law, without being prejudiced by the fact that the present petition on behalf of the petitioner has not been entertained.

(Ashutosh Kumar, J)

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