

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2626 of 2021

Arising Out of PS. Case No.-252 Year-2019 Thana- BARARI District- Katihar

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BABLU MANDAL SON OF PREM LAL MANDAL RESIDENT OF
VILLAGE- CHANDAN NAGAR, P.S.- BARARI (SEMAPUR), DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-07-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Barari (Semapur) Police Station Case No. 252 of 2019,
registered for the offences punishable under Sections
376/313/504/506/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner, on the pretext of
marriage, physically and sexually exploited the informant, due
to which she became pregnant and subsequently the petitioner
and other accused persons forced her for abortion.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to family dispute inasmuch as both the parties are agnates, which would be evident from Annexure-3, genealogical table. He further submits that there is inconsistency in the statement of the informant in the First Information Report and her statement recorded under Section 161 of the Code of Criminal Procedure, 1973. He next submits that the petitioner is in custody since 07.07.2020 and there was degree of prohibition of marriage between the petitioner and the informant because they fell in the prohibit category under the Hindu Marriage Act.

On the other hand, learned Additional Public Prosecutor submits that the informant is minor, aged about 16-17 years and she has supported the prosecution case in her statements, under Sections 161 and 164 of the Code of Criminal Procedure, 1973, and the allegation of pregnancy has been established during the medical examination of the informant. As such, the petitioner does not deserve the privilege of bail.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the informant is minor and the allegation of pregnancy of the informant is supported by medical examination, I am not



inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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