

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8467 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- MAHILA PS District- Jehanabad

NIRAJ KUMAR @ MUKESH KUMAR, S/O AKHILESH PASWAN, R/O
VILL BAJITPUR (WRONGLY WRITTEN IN ACCUSED COLUMN IN FIR
AS DHODHARI), P.O BHARTHU, P.S- GHOSI DISTRICT JEHANABAD
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Adv.
For the Opposite Party : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Binod Kumar, learned Advocate for the
petitioner and Mr. Zainul Abedin, learned Additional Public
Prosecutor for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Jehanabad Mahila P.S. Case No. 18 of 2020
dated 20.08.2020 instituted for the offences under Sections 376,
328, 313, 506 and 34 of the Indian Penal Code.

The accusation is of having subjecting the prosecutrix
to rape on the assurance of marrying.

Learned counsel for the petitioner has submitted that
the accusation is absolutely false. The petitioner is said to have
come in contact with the prosecutrix through face book. There
has been an unusual delay in lodging the FIR. He further
submits that the sexual relation between the petitioner and the
prosecutrix was by consent. The petitioner denies to have made



any promise of marrying the victim.

However, regard being had to the accusation in the FIR that the petitioner subjected the prosecutrix to sexual act and also got her aborted when she had conceived on one occasion, I am not inclined to grant anticipatory bail to the him notwithstanding the fact that the victim has now married some body else.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the Court below and seek bail his application shall be considered on its own merit without being prejudiced with the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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