

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2318 of 2022**

Arising Out of PS. Case No.-59 Year-2021 Thana- MAHILA P.S. District- Patna

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KUMAR GUPT VAIBHAV SON OF RLAM VILAS YADAV R/O  
VILLAGE- TADILA, P.S.- HASANPURA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh  
For the State : Mr.Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      10-08-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard the learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner apprehends his arrest for the  
  
offences alleged under Sections 341, 323, 354(B), 376, 420 and  
  
379/34 of the Indian Penal Code, registered in connection with  
  
Patna Mahila P.S.Case No. 59 of 2021.

As per allegation, the petitioner developed love and  
  
affection with the prosecutrix ten years prior to lodging of the  
  
FIR and he denied to marry the prosecutrix. There is also  
  
allegation that he got her pregnancy terminated in a clinic



situated in Exhibition Road.

The learned counsel for the petitioner has submitted that Section 376 of the IPC is not attracted since the act of the petitioner does not come under the definition of rape.

There is allegation that the petitioner sexually exploited the prosecutrix and he forcibly got her pregnancy terminated without her consent. She has supported her version in her statement under Section 164 of the Cr.P.C.

In view of allegation, it is not a fit case for anticipatory bail to the petitioner. His prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

HR/-

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