

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19040 of 2021**

Arising Out of PS. Case No.-50 Year-2020 Thana- MAHILA P.S. District- Samastipur

SHUBHAM KUMAR @ SHUBHAM KUMAR SONU SON OF SHYAM
SUNDAR RAI RESIDENT OF VILLAGE - SARANGPUR WARD NO 6
P.S-TAJPUR (HALAI O.P) DIST- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Apurva Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-01-2022 Heard Mr. Ramakant Sharma, learned Senior

Advocate for the petitioner and Mr. Ram Priya Sharan

Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Women P.S. Case No. 50 of

2020 dated 07.08.2020 instituted for the offences under

Sections 376, 493, 341, 323, 506, 504 and 34 of the

Indian Penal Code.

The informant, who is a 18 years old girl, has

alleged that since 2017, the petitioner, on assurance of

marrying her, committed sexual act with her. That time,



she was around 14 years of age. The petitioner has reneged on his promise of marrying her. The informant has also been divested of her personal belongings.

Mr. Sharma, learned Senior counsel for the petitioner has submitted that as on date when the FIR was lodged, the victim was a major and the computer typed copy of the report which is the basis of this FIR, was lodged on 07.07.2020 but the case has been registered after a month.

He further submits that the accusation is only for the purposes of forcing the petitioner into submitting to the unholy desire of the informant and other members of the family to get married to the petitioner.

The learned Senior Advocate for the petitioner has also submitted that the accusation, on face of it, does not appear to be probable.

Be that as it may, regard being had to the fact that the petitioner had subjected the informant during her minority to sexual act on the assurance of marriage,



I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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