

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45634 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- MAHILA P.S. District- Araria

MD. AKHTAR @ AKHTAR Son of Waseer @ Basik Resident of Village -
Doriya, Sonapur, Ward No. 14, P.S. - Simraha (Forbesganj), District - Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 376/34 of the Indian Penal Code.

As per the prosecution case, this petitioner, on the false promise of marriage, established physical relation with the informant resulting in her pregnancy.

It is submitted on behalf of petitioner that if physical relation is established on the pretext of marriage, no case under Section 376 of the Indian Penal Code is made out against petitioner.

However, in view of statement of the informant recorded under Section 164 Cr.P.C. wherein she has not only supported the prosecution case but has also stated that when she went at the house of petitioner, she was ousted from the house.



Considering the nature of accusation and statement of the informant recorded under Section 164 Cr.P.C., I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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