

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48019 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- RAJPUR District- Rohtas

ILLIYAS ANSARI Son of Late Kalam Ansari Resident of Village- Akodhi
Gola Ansari Mohalla- P.S.- Akodhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-03-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376 of the Indian Penal Code.

As per the prosecution case, the petitioner cohabited with the informant as also committed rape on the pretext of marriage. Subsequently on the informant conceiving, he got her to abort and refused to marry.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations levelled in the FIR do not make out a case under section 376 of the Indian Penal Code. The consent of the parties existed. The Hon'ble Supreme Court has held in several



judgments that this will not amount to rape and also quashed the some of the criminal prosecutions. There is delay in lodging of the FIR. The petitioner is in custody since 25.1.2021 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations levelled against the petitioner in the FIR together with the contents of the statement of the informant under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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