

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52499 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

Mohmad Azam @ Md. Azam S/O Mohmad Azad R/O Village-Dih Daryapur,
P.S-Sazour, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mahila P.S. Case No.17 of 2021, registered for the offence under Sections 376, 504, 323, 341, 34 of the Indian Penal Code.

As per the F.I.R., this petitioner is alleged to have sexually exploited the informant for the last three years on the false promise of marriage, resulting in pregnancy. It is further alleged that earlier twice, the petitioner had caused her abortion by administering medicine.

It is submitted on behalf of petitioner that both i.e. petitioner and informant were known to each other and the relationship was consensual and as such, the allegation against the petitioner does not come within the purview of Section 376



of the I.P.C. It is further submitted that the victim is above 18 years of age. Petitioner is in custody since 20.02.2021.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against the petitioner of committing repeated sexual intercourse on the false promise of marriage, which fact has duly been supported by the victim (informant) in her statement recorded under Section 164 Cr.P.C. The doctor has found her pregnant of four weeks.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C. and medical report, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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