

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69574 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- KACCHWA District- Rohtas

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WASIM ANSARI S/o Badre Ansari @ Badare Alam Resident of Village -
Ibrahimpur, P.S. - Kachhawan, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Krishna Pd. Singh, Sr. Adv.
Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 366 of the Indian Penal Code.

As per the prosecution case, on the pretext of marriage, this petitioner established physical relation with the victim (informant), due to which, she became pregnant and when she asked petitioner to marry her, the petitioner firstly got aborted her pregnancy and thereafter, refused to marry her.

It is submitted on behalf of petitioner that from bare perusal of F.I.R. and statement of the informant, it is apparent that petitioner has not kidnapped or abducted the informant and as such, Section 366 of the I.P.C. is not applicable. Informant is



major, aged about 19 years and she was living together with this petitioner for a long time, as husband and wife, and indulged in sexual act and as such, it cannot be said that petitioner has committed rape with her. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bikramganj, Rohtas in connection with Kachhawan P.S. Case No. 42 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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