

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7807 of 2023

Arising Out of PS. Case No.-431 Year-2022 Thana- BHAGWAN BAZAR District- Saran

RAHUL SINGH @ RAHUL KUMAR SINGH Son of Raj Kumar Singh
Resident of Village- Bara Gopal, Near the Station, P.S.- Awtarnagar, District-
Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bhagwan Bazar P.S.Case No. 431 of 2022, registered for the offence punishable under Sections 323, 307, 313 and 376 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant is that her marriage was solemnized in the year, 2016, with one Ghanshyam Kumar and a son was born out of the said wedlock, however, two years thereafter, her in-laws started torturing her on account of non-fulfillment of the demand for dowry and had, subsequently ousted her from her matrimonial home, whereafter, the informant is staying in her parental home.



It is also alleged that thereafter, a panchayati was held and as per the decision of the arbitrators, the informant and the said Ghanshyam Kumar had separated and the erstwhile husband of the informant had solemnized second marriage. It is further alleged that on 23.3.2021, the informant started working as a Nurse at Radha Poly Clinic, Chapra, SDS College Road, where the petitioner was working from before as a compounder, who had subsequently enticed the informant and had established physical relationship with her on the pretext of solemnizing marriage with her, resulting in the informant becoming pregnant, however, subsequently, the petitioner refused to marry the informant and got her pregnancy aborted at Matashri Hospital on 4.1.2022.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has neither enticed the informant nor got her pregnancy aborted and a false story has been concocted to blackmail the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that specific allegation has been levelled by the informant against the petitioner of him having fraudulently established physical relationship with her, upon him promising her to marry her and thereafter, when she had become pregnant, the petitioner had got her pregnancy aborted, this Court finds that a prima facie case is definitely made out against the petitioner for the offences alleged, hence, I do not find the present case to be a fit case for grant of anticipatory bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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