

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15188 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- MAHILA PS District- Khagaria

SUMIT KUMAR @ BITTU KUMAR Son of Shambhu Nath Suman @
Shambhu Singh Resident of Shiv Mandir Kharpar Kawadpur, P.S.-
Suryagadha, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S.D. Sanjay, Sr. Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 30-01-2023 Heard Mr. S.D. Sanjay, learned Senior Counsel for the

petitioner and the State.

The petitioner apprehends his arrest in connection
with Mahila Thana P.S. Case No. 12 of 2021, GR No. 1864 of
2021 instituted under Sections 493, 313 and 420 of the Indian
Penal Code.

As per the prosecution story, the informant alleged
that the petitioner on the pretext of marriage, made physical
relationship with her, this led her pregnancy and on his advice,
she took pills and got the same aborted. Later, the petitioner
took a job and stopped picking her calls. She lastly alleged that
later he called and said that he has nothing to do with the lady
and further do not intend to marry her. Accordingly, the FIR was
lodged.



Learned Senior Counsel for the petitioner submits that there is nothing to substantiate either the physical relationship between the informant and the petitioner and/or subsequent pregnancy/abortion on the advice of the petitioner. He, as such submits that in view of the aforesaid vague allegations made by the informant, the petitioner deserves relief by granting anticipatory bail.

Learned Senior Counsel further submits that he is presently working in the Railways and by way of supplementary affidavit has brought on record the development of being him married and blessed with a child.

Per contra, learned APP on the other hand has taken this Court to the statement made by the victim girl under Section 164 of the Cr.P.C. in which she has clearly supported the prosecution story and narrated the entire things.

Taking into account the aforesaid allegation that has come against the petitioner, certainly this is not a fit case for extending the privilege of anticipatory bail to him which is accordingly rejected.

If however, the petitioner surrenders within four weeks from today before the concerned Court, the Court shall take into account the submissions/documents/factors fit for bail



and will decide the same without being prejudice by any
observation made herein preferably on the same day.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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