

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29398 of 2023

Arising Out of PS. Case No.-329 Year-2022 Thana- AMAUR District- Purnia

Md. Wadood @ Md. Adut Son of Mohsin R/V- Dalmapur, PS- Amour, Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Singh, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr.Gautam, APP
For the O.P. No. 2	:	Md. Fazale Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Amour P.S. Case No. 329 of 2022 registered on 28.11.2022 for the alleged offences under Sections 376, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, informant gave a written report alleging that petitioner established sexual relationship with her giving her inducement of marriage. When the informant became pregnant, the petitioner refused to marry her and also threatened the informant and her mother.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever ever taken place. Informant has always been a consenting party and this fact is also evident from the narration made in the FIR that she did not disclose this fact till she became pregnant. This case has been lodged only to pressurize the petitioner to solemnize marriage with the informant. The learned lower court erroneously relied on the Aadhaar-card produced on behalf of the informant regarding her claim that she was a minor and for this reason, it held the anticipatory bail petition of the petitioner to be not maintainable. But according to the admit card of the informant, her date of birth was 01.01.2004 and same was also incorporated in Aadhaar-card No. 2006 0182 6470 but the learned court relied on the subsequent Aadhaar-card. Learned counsel further submits that the petitioner and the victim used to live together in the village and were having love affair. For this reason, she has lodged this false case in order to pressurize this petitioner to solemnize marriage with him.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail made on behalf of the petitioner. Learned counsel for the informant submits that the specific nature of allegation against this petitioner that giving allurement of



marriage, the petitioner sexually exploited the minor-informant.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the grave and serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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