

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29608 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- MAHILA P.S. District- Vaishali

Om Prakash @ Om Prakash Kumar son of Late Satan Rai @ Sattan Rai
Village- Fulhar Ps- Vaishali Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2023 Heard both parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 328, 313, 504, 506, 34 of the Indian Penal Code, section 3(1)(r)(s)(w) (i)(ii)/3(2)(v) of the SC/ST Act and section 6 of the POCSO Act.

3. As per the prosecution case, on false assurance of marriage to the informant, petitioner dishonestly procured sexual intercourse with the informant. In continuation of affairs, the informant became pregnant out of co-habitation with the petitioner. It is further alleged that petitioner in collusion with doctor got her aborted.

4. It is submitted that the alleged occurrence took place on 05.09.2022, but the FIR has been lodged on 14.12.2022 which itself creates doubt over the genuineness of the



prosecution case. The Medical Board has assessed the age of victim girl (informant) to 17-19 years and therefore, informant is major. Both parties were in relation since two and half years, hence, no offence under Section 376 is made out.

5. Counsel for informant vehemently opposed the prayer for bail and submitted that there is specific allegation against this petitioner of committing rape with the informant on the pretext of marriage. The informant has duly supported the prosecution case in her statement under Section 164 Cr.P.C.

6. Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioner above-named on anticipatory bail in connection with Mahila P.S. Case No. 45 of 2022. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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