

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29243 of 2022

Arising Out of PS. Case No.-267 Year-2020 Thana- BIHIA District- Bhojpur

SHASHI KUMAR Son of Krishna Singh Resident of Village - Itahi Tola
Hirdepur, P.s.- behiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra

For the Opposite Party/s : Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 09-01-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Behiya P.S. Case No. 267 of 2020, registered for the offences
punishable under Sections 376, 420, 504, 323 and 354/34 of the
Indian Penal Code.

The prosecutrix is a girl of 19 years of age. As per
allegation, she used to go to her maternal house, where she came
into contact with the petitioner, who had physical relation with her
at the pretext of marriage. The petitioner brought her in a temple
of Mahthin Mai for marriage, but his family members named in
the FIR came there. The brother of the petitioner abused the



informant in filthy words and the accused persons, including the petitioner denied to have marital relation with the informant.

The learned counsel for the petitioner has submitted that the petitioner is not ready to marry with the informant, since she is a girl of loose moral.

On the other hand, the learned Additional Public Prosecutor has opposed the prayer for bail and he has submitted that the petitioner at the pretext of marriage exploited the informant sexually. She reiterated her version in her statement under Section 164 of the Code of Criminal Procedure and the impugned order shows that the witnesses nos. 6, 7, 8 and 9 have corroborated the allegation.

In my view, it is not a fit case for anticipatory bail. Accordingly it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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