

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53937 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- KOILWAR District- Bhojpur

AFROZ SAH @ AFROZ SAH S/O Ahmad Sah R/O- Mokhalsa, P.S- Koilwar
(Gidha O.P), District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in connection with Koilwar (Gidha O.P.) P.S. Case No. 105 of 2022 for the offence registered under Section 376 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that earlier, he was married to one Imtiyaz and was left with two daughters and one son who unfortunately died in February, 2021. Thereafter, she shifted her parent's home in Patna. However, later, the mother-in-law called the informant with her children to the matrimonial house and further stated that to keep the pride of the family intact, she intends to marry her son (petitioner herein) with the informant. Subsequently, as the petitioner agreed to solemnize the marriage, marriage date



was also fixed and in false belief, the informant started treating him to be her future husband, he exploited her by making physical relationship and accordingly, she became pregnant.

Upon knowledge, the petitioner chose not to marry the informant, '*panchayat*' was constituted in which again the petitioner agreed to marry but once again he defaulted. Left with no alternative, the present FIR has been lodged.

Learned counsel for the petitioner submits that the lady was living in parent's house and came to their home when she was already three months pregnant and as such, under no circumstance either the child belongs to him and/or he intends to marry her as he is younger to the lady.

Learned counsel for the informant submits that each and every word of the FIR is true, the lady was at in-laws house where he made physical relationship on the false belief of marriage and made her pregnant and now the lady has also delivered a male child and in that backdrop, he cannot exonerate himself from the allegation levelled against him.

Taking into account the kind of allegation of luring the lady when he had no intention to marry her and accordingly, made physical relationship, she subsequently got pregnant and has now delivered a child, considering this allegation, this Court



is not inclined to grant him privilege of anticipatory bail which
is accordingly rejected.

(Rajiv Roy, J)

Jagdish/ Neha-

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