

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58272 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- BHAGWANPUR District- Begusarai

Pradeep Kumar S/O Tej Narayan Mahato Resident of Village- Kiratpur, P.S-
Bagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Patel, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 74 of 2023 registered for the offence punishable under Sections 323, 341, 376 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on the assurance of marriage he established physical relationship with the informant but subsequently, he refused to marry with the informant.

4. Learned counsel for the petitioner submits that the informant is a major girl and she was in love with the petitioner and pressurized the petitioner to marry with her. When the petitioner refused to marry with her, the false allegation has



been made. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State strongly opposes the prayer for anticipatory bail of the petitioner and submits that there is serious allegation of rape against the petitioner which is supported by the evidence.

6. On the pretext of marriage, establishing physical relation with the informant girl knowing that he shall not marry with her comes within the offence of rape as the initial promise by the petitioner was false and not genuine.

7. The false promise of marriage for obtaining consent for sexual intercourse is considered as misconception of fact within Section 90 of the Indian Penal Code.

8. Considering the facts and circumstances of the case and seriousness of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. The prayer is, accordingly, rejected.

(Sunil Dutta Mishra, J)

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