

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62191 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- RAMPUR District- Gaya

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Mritunjay Kumar @ Mrityunjay Kumar Son Of Shivnandan Pal Presently
R/O A.T. Gate, Near Ota, P.S.- Magadh Medical, District- Gaya, Permanent
Address Village- Parasdih, Pirawan, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Uma Pandey D/O Jwala Prasad Pandey R/O West, Road No.08, Shasti
Nagar, Near Bal Bihar School, P.S.- Rampur, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 06-07-2023 Heard both parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 493, 376, 506 of the Indian Penal Code.

As per the prosecution case, this petitioner solemnized marriage with the informant concealing the fact that he has already married with another woman and has also got two children. When the marriage of informant got registered, this petitioner made physical relation with the informant. It is further alleged that petitioner along with other co-accused abused the informant and also committed *marpit*.

It is submitted on behalf of petitioner that informant is not legally wedded wife of the petitioner. From perusal of FIR it



is apparent that during subsistence of first marriage, the so-called second marriage is not valid. Informant is a major lady and out of love and affection established physical relation with the petitioner and as such, no case under Section 376 IPC is made out. Petitioner claims clean antecedents.

Counsel for informant however vehemently opposed the prayer for bail and submitted that *mala fide* intention of the petitioner was apparent from the beginning, as he concealed his first marriage, thereafter, established physical relation only to satisfy his lust. The victim girl in her statement has duly supported the prosecution case.

Considering the fact that this petitioner has made false promise of marriage concealing his first marriage with sole intention to seduce the victim to indulge in sexual act, I am not inclined to enlarge the petitioner above-named on anticipatory bail in connection with Rampur P.S. Case No. 296 of 2022. Accordingly, the same is rejected.

Pursuant to the order dated 19.05.2023, the Branch Manager, HDFC Ltd, Gaya is present in the court today. His personal appearance is dispensed with for the present.

(Prabhat Kumar Singh, J)

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