

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18385 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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1. MD. ENAMUL @ MD. ENAMUL HAQUE @ ENAMUL son of Md. Wajul Haque @ Wazul Haque, Resident of village- Brahmpura, Police Station - Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-07-2015

Heard both sides.

The petitioner seeks bail in a case under section 376, 506/34 of the Indian Penal Code.

The prosecutrix alleged that while she was in her Sasural, the petitioner came and called her on which the informant came out and the petitioner put his handkerchief on her mouth and took her to several places and thereafter committed rape with her. The prosecutrix has further alleged that he continued to have physical relation with the prosecutrix on the pretext of marriage.

It is submitted that the victim is a married lady and she did not want to live with her husband. She wanted to marry with the petitioner and when the petitioner refused, this

false case has been lodged. The Doctor has also not found any sign of rape.

Considering the facts and circumstances aforesaid and that the prosecutrix continued to have physical relation with the petitioner but she did not raise any objection immediately thereafter and she is a major, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sri Raja Ram Santosh Kumar Judicial Magistrate, 1st Class, Biraul at Benipur District Darbhanga in connection with Mahila P.S. Case No. 45 of 2014.

(Prabhat Kumar Jha, J)

Amin/-

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