

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39542 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA PS District- AURANGABAD

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Arun Kumar S/o Srikant Singh resident of Village - Anant Bigha Amari,
P.S. - Uphara, District - Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Senior Advocate.

For the Opposite Party : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-09-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376 and 506 of the Indian Penal Code.

The informant is non-else than the wife of elder brother of the petitioner. The informant alleged that the petitioner repeatedly committed rape with her and when she complained this fact to her husband her husband did not pay any heed.

It is submitted that the informant earlier filed Kankarbagh P.S. Case No. 418 of 2014 under Section 498(A) of the Indian Penal Code against her husband and other family members. The informant also filed Goh P.S. Case No. 246 of 2013 and in both the cases the petitioners are enlarged on anticipatory

bail. The informant is not living in her in-laws house with her husband. The husband of the informant is still on provisional bail as the informant is not willing to compromise the case and to live with her husband, but the marriage of the petitioner was to be solemnized and immediately before this the informant lodged this case. The informant has also stated in her subsequent statement that she was carrying pregnancy. The informant is a major lady and she did not ever raise any objection earlier, if she was having physical relationship with the petitioner who happens to be non-else than her brother-in-law (Dewar).

Considering the facts aforesaid, 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 Learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in Mahila P.S. Case No. 13 of 2015.

(Prabhat Kumar Jha, J.)

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