

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49062 of 2015

Arising Out of PS.Case No. -227 Year- 2014 Thana -MAHILA P.S. District- SIWAN

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Zubair Ahmad S/o Md. Mubarak Hussain R/o Vill- Ratauli (Baluwa Tola),
P.S. Basantpur, Dist- Siwan. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate

For the complainant : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 24-11-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of regular bail arises out of Siwan (Mahila) P.S. Case No. 227 of 2014, disclosing offences under Sections 376, 323, 504 and 506 of the Indian Penal Code.

A complaint case is the basis for institution of the present First Information Report under Section 156 (3) of the Cr.P.C.

Learned counsel for the petitioner, referring to the contents of the complaint petition contends that no offence under Section 376 is made out inasmuch as the physical relationship, if any, alleged between the petitioner and the victim girl, is apparently out of mutual consent. He further submits that the petitioner has been maliciously implicated for oblique purpose, in the present case.

Learned counsel appearing on behalf of the informant,

on the other hand, has vehemently opposed the prayer for bail and has contended that the victim was minor on the date of occurrence and she was allured by the petitioner on false assurance that he would marry her but exploited her sexually.

Be that as it may, in the facts and circumstances of the case and the submission that admittedly, the physical relationship came to be established with consent of the girl, this application is allowed.

Let the petitioner, above-named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Siwan in connection with Siwan (Mahila) P.S. Case No. 227 of 2014.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

Learned counsel for the informant has submitted that keeping in view the nature of offence, its trial should be expedited.

The Court expects that the court below shall expedite the trial and conclude the same with utmost expedition.

(Chakradhari Sharan Singh, J)

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