

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40522 of 2014

Arising Out of PS.Case No. -63 Year- 2014 Thana -BALRAMPUR District- KATIHAR

Md. Bisaruddin

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Md. Helal Ahmad, Advocate.

For the Opposite Party : Mr. Nand Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 07.08.2014 in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

It is alleged that one year prior to occurrence when the informant went to ease out this petitioner caught hold of her and promised to marry and established forceful physical relationship and thereafter the informant became pregnant and after eight months of pregnancy the case was lodged when the informant refused to marry.

It is submitted by learned counsel for the petitioner that from the F.I.R., it appears that after one year of initial physical relationship the

F.I.R., was lodged but 164 Cr. P.C. statement reflects that offer to marry was accepted by the informant and thereafter physical relationship was established.

It is submitted by learned counsel for the informant that during medical examination advance stage of pregnancy was found but this fact has not been denied by learned A.P.P. that no D.N.A. of petitioner has matched with the child in the womb of the informant. The investigation has already concluded.

Considering delayed lodging of the case, investigation being concluded and from 164 Cr. P.C., statement it appears that the informant agrees to marry with the petitioner, let the petitioner, above named, be released 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 C.J.M., Katihar, in connection with Balrampur P.S. Case No. 63 of 2014.

U.K./-

(Dinesh Kumar Singh, J)

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