

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47589 of 2014

Arising Out of PS.Case No. -163 Year- 2014 Thana -SURSAND District- SITAMARHI

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MD. AZAHAR, S/O MUSTAFA MAULVI SAHEB, RESIDENT OF
VILLAGE- BELAHIYA, P.S.- SURSAND, DISTRICT- SITAMARHI

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Surendra Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 07-05-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sursand P.S. Case No. 163 of 2014 registered under Sections 376,
313 and 315/34 of the Indian Penal Code.

The accusation against the petitioner is to develop
illicit relation with the informant, Archna Kumari on pretext to
perform the marriage. In that course, informant conceived
pregnancy. On 04.07.2014, petitioner took the informant in
nursing home and got aborted her pregnancy.

Learned counsel for the petitioner submits that, in fact,
there was love affair between the petitioner and the informant and
the petitioner has now performed the marriage with the informant,

Archna Kumari.

Mr. Binod Kumar Sinha, Advocate, submits that he has filed the Vakalatnama on behalf of the informant and further submits that now the dispute between the petitioner and informant has been settled and both have performed the marriage, regarding which, an affidavit has been filed on behalf of the informant in the court of Judicial Magistrate Ist class, Sitamarhi on 06.11.2014, which would appear from Annexure A of the counter affidavit filed on behalf of the informant today in court.

Under the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 163 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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