

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34582 of 2014

Arising Out of PS.Case No. -10 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

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1. Alok Mishra @ Alok Kumar
2. Abhiram Mishra @ Abhiram Kumar Both S/o Kashinath Mishra
3. Kashi Kant Mishra S/o Late Yogendra Mishra All Resident of Village Mohanpur, P.S. Piprahi, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Opposite Party/s : Mr. Shantanu Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 19-02-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. C-1/10/14 registered under Sections- 376/354/354(B)/323/504/341 of the Indian Penal Code .

The accusation against the petitioner No. 1 is that he committed rape upon the informant on the point of dagger and later on, assured her to solemnize marriage but when the informant became pregnant, he refused to solemnize his marriage.

The contention on behalf of the petitioners is that the complainant is a married lady and as a matter of fact, she is legally wedded wife of one, Ram Bhajan Mandal, who had lodged

Sitamarhi P.S. Case No. 494 of 2013 against Mukesh Kumar Mishra for the offence u/S 363, 366 of the Indian Penal Code and in the aforesaid case, the statement of complainant of the present case was recorded u/S 164 of the Cr.P.C. in which, she accepted the fact of marriage with Ram Bhajan Mandal.

Taking into consideration the above-said facts and circumstances as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioners named-above, in the event of arrest or surrender in the court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. C-1/10/14 to the satisfaction of Additional Chief Judicial Magistrate, Sheohar.

(Hemant Kumar Srivastava, J)

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