

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33548 of 2014

Arising Out of PS.Case No. -113 Year- 2012 Thana -SIKTI District- ARRARIA

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1. Rustam Khan Son of Habib Khan Resident of Village - Parariya, Khan Tola, P.S. - Sikty, District- Araria.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh

For the Opposite Party : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-01-2015 Petitioner is languishing in custody since 06.06.2014 in a case registered for the offences punishable under Sections 376/313 of the I.P.C.

It is alleged that petitioner established physical relationship with the informant on promise of marriage. Subsequently the informant got pregnant when the matter was disclosed. The petitioner then got ready to marry with the petitioner but in the meantime the petitioner and his father administered some medicine to the informant as a result of which the pregnancy got terminated.

It is submitted by learned counsel for the petitioner that medical report does not suggest termination of pregnancy nor any finding with regard to commission of rape and even assuming the accusation, no offence is made out under Section 376 of the I.P.C. The informant has subsequently

retracted from the initial version and filed a petition to that effect before learned Court below.

Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Araria in connection with Sikti P.S. Case No. 113 of 2014.

Shageer/-

(Dinesh Kumar Singh, J)

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