

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38546 of 2014

Arising Out of PS.Case No. -32 Year- 2014 Thana -TEDHAGACHH District- -

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Md. Farooque Alam @ Bhutto @ Butto son of Jahan Ali Resident of village
- Sundar Bari, Matiyari, P.S. - Terhagachh, District - Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr.Binod Kumar,A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is in custody since 15.5.2014 in
Terhagachh P.S. Case No.32 of 2014 for the offence under
Sections 341, 342, 323, 376, 379, 504, 506 and 34 of the I.P.C.

It is submitted on behalf of the petitioner that
though a case under Section 376 of the I.P.C. has been registered
against the petitioner, the victim girl is legally married wife of the
petitioner and, therefore, the said case will not come within the
ambit of provision of Section 376 of I.P.C. It is further submitted
that after investigation charge sheet in the present case has been
instituted under Sections 376 and 498(A) of the I.P.C. It is further
submitted that the petitioner has remained in custody for over

seven months on account of the case filed against this petitioner by the informant who had been pressurizing him for various reasons which led to the petitioner to file a divorce case so as to free himself from bondage of association of the family of the informant.

Considering the aforementioned submissions and also the fact that the victim girl happens to be the legally wedded wife of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in Terhagachh P.S. Case No.32 of 2014.

(Anjana Mishra, J)

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