

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43733 of 2015

Arising out of PS.Case No. -99 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

Ambuj Pandit, son of Surendra Pandit, resident of village Bhaluhia, P.S. Majorganj, District Sitamarhi.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Mamta Kumari, daughter of Upendra Pandit, resident of village Bishanpur, P.S. Majorganj, District- Sitamarhi at present resident of village Bhalihia, P.S. Majorganj, District Sitamarhi.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Sanjeet Kumar Tiwari, Advocate.
For the State : Mr. Narsingh Tanti(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-12-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 21.07.2015 in connection with Majorganj P.S. Case No. 99 of 2015 for the offences instituted under Sections 376, 306 and 120(B) of the IPC.

The prosecution story, in brief, is that this petitioner established physical contact with the informant/complainant on the allurements of marriage in collusion with other accused persons, as named in the complaint petition. It is further alleged that the informant/complainant became pregnant on account of physical contact with this petitioner. The informant told him to marry with

her, but this petitioner refused. Thereafter, the informant/complainant made complaint with her grand-father as well as with her parents. A Panchayati was held, but the accused persons refused to obey the panchayati.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 21.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. From perusal of the complaint case, it appears that the victim and the petitioner were in physical relation for last two years prior to institution of the complaint case. It is stated that the victim on assurance of marriage had allowed to continue physical relation between the petitioner and herself. Now, the petitioner has refused to get married. The physical relationship between the petitioner and the victim has been denied by the petitioner. There is no substantive piece of evidence to suggest that the petitioner was ever in physical relationship with the victim. It is further submitted that the petitioner may be released on bail after completion of six months in custody from 21.07.2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the

F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named, be released on bail after completion of six months in custody from 21.07.2015 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., Sitamarhi, in connection with Majorganj P.S. Case No. 99 of 2015.

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(Sudhir Singh, J)