

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22601 of 2015

Arising Out of PS.Case No. -133 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Man Mohan Ojha Son of Shyam Sundar Ojha resident of mohalla -
Officers Colony, P.S. - Sahayak, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 28-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 376, 504/34 of the Indian Penal Code.

It is alleged by the informant, Kajol Kumari, that on
pretext of solemnizing the marriage the petitioner established
physical relation with her and continued it. When the informant
asked for marriage then the petitioner along with family members
demanded Rs. 50,000/- but continued to have physical relation.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. The informant and her
parents were tenants in the house of the petitioner since 2008 to
2010. Thereafter they left the rented house. The father of the
petitioner demanded for the due rent. Same was not liked by the

informant parents and thereafter the parents of the informant got the present case instituted against the petitioner and his family members only with an intention to falsely implicate him and his parents. There is no substantive evidence to show that the petitioner was ever in physical relationship with the informant.

On behalf of the State, it has been submitted that on false assurance of solemnizing the marriage, the petitioner got physical relationship with the informant.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, 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 C.J.M., Katihar in connection with Katihar Town P.S.Case No. 133 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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