

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46804 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -NIRMALI District- SUPAUL

Kuldeep Kumar Singh @ Kuldeep Kumar Son of Late Suryadeo Singh
Resident of village + P.S. Jainagar, Ward No. 6 Belwa Chowk, District -
Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Kannu Priya @ Choti, D/o Chatradhari Prasad Saw, Village – Nirmali,
P.S. Nirmali, District – Supaul.

.... Opposite Party/s

With

Criminal Miscellaneous No.47822 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -NIRMALI District- SUPAUL

Kamaldeep Kumar Son of Late Suryadeo Singh Resident of village + P.S.-
Jainagar, Ward No.-6, Belwa Chowk, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Kannu Priya @ Choti D/o Chatradhari Prasad Saw, Village – Nirmali,
P.S. Nirmali, District – Supaul.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.46804 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

(In Cr.Misc. No.47822 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. A.Dayal (App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 01-09-2015

Heard learned counsels for the petitioners,

State and the informant.

The petitioners are apprehending their

arrest in a case registered for the offences punishable under Sections 341, 323, 376, 377/511, 493, 504 of the Indian Penal Cod and 3/4 of Dowry Prohibition Act.

The prosecution case is that the petitioner Kamaldeep being an employee of State Bank of India used to visit the house of the informant being a tenant when he ravished the informant and made an attempt to commit unnatural offence. He promised to perform marriage but subsequently he refused to perform marriage. It is alleged against the petitioner Kuldeep being brother of Kamaldeep he refused to perform marriage without dowry.

It is submitted by learned counsel for the petitioners that from the accusation it appears that the physical relationship, if any, was established with the consent of the informant. It is not in dispute that the informant and the petitioner were major on the date of the occurrence. Hence, even assuming the accusation offence under Section 377/511 IPC is not made out.

It is submitted by learned counsel for the informant that there is specific accusation against petitioner Kamaldeep.

Considering the nature of accusation

particularly the fact from bare perusal of the First Information Report it appears that the physical relationship was established with the consent of the informant, let the learned court below consider the prayer for regular bail of petitioner Kamaldeep Kumar, if he surrenders before the learned court below within a period of six weeks from today.

Considering the thrust of accusation against petitioner Kamaldeep, let petitioner Kuldeep Kumar Singh @ Kuldeep Kumar be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Birpur, District - Supaul in connection with Nirmali P.S. Case No. 42 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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