

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28835 of 2015

Arising Out of PS.Case No. -630 Year- 2014 Thana -SHASTRINAGAR District- PATNA

1. Yashwant Jha Son of Vivekanand Jha resident of North Patel Nagar,
Road Number 2, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 341, 323, 376, 504 and 506 of the
Indian Penal Code.

It has been alleged by the informant, Anjula Kumari @
Mohini Sharma, aged 28 years that she has been subjected to
physical exploitation by the petitioner for six years on false
promise of marriage. There are two miscarriage on account of rape
by the petitioner and marriage has been refused.

It has been submitted on behalf of the petitioner
that the petitioner has no criminal antecedent. It is further
submitted that there was no such promise made on behalf of the
petitioner, as alleged in the FIR, in respect to marriage of the
petitioner with the informant. There is no documentary evidence
to suggest that there was any such relationship established

between the parties. The petitioner had offered an amount of Rs. 2 lacs as settlement amount between the parties.

On behalf of the State and the Informant, it has been submitted that the offered made by the petitioner for settlement is not acceptable to her. It is further submitted that by making false promise the petitioner continued physical relationship with the informant and for which offence under Section 376 IPC is made out against the petitioner.

Considering the fact that except oral statement made by the informant, there is no other evidence to suggest that there was any promise made by the petitioner or there was any physical relationship between the petitioner and the informant, 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., Patna in connection with Shastri Nagar P.S.Case No. 630 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

The petitioner is directed to co-operate during the pendency of the investigation and the trial.

(Sudhir Singh, J)

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