

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44638 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

Vikash Kumar, S/o Sri Bhageshwar Sah, Resident of Village - Bhatauni,
P.S. - Bakhtiyarpur, District - Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Navin Kr. Panday, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Saharsa Mahila P.S. Case No. 7/2015 registered under
Sections 376, 341, 323, 313 and 379/34 of the Indian Penal
Code.

According to the prosecution case, the petitioner is
said to have established physical relationship with informant on
the pretext of marriage and, subsequently, when she become
pregnant, he persuaded her to terminate the pregnancy.

It is contended that it would be evident from the FIR
that no date of occurrence has been mentioned in the FIR.
However, the last incident of establishing physical relationship

etc. is mentioned as 12.06.2014, whereas a written report was filed before the S.H.O. Mahila Police Station on 05.02.2015.

It is further contended that the informant of the case was already married to one Rajesh Kumar of village-Mahuli, District-Madhepura, who has filed a matrimonial case under Section 13-B of the Hindu Marriage Act before the learned Principal Judge, Family Court, Madhepura.

Learned counsel for the State has opposed the application filed under Section 438 Cr. P.C.

Taking into consideration the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saharsa in connection with Saharsa Mahila P.S. Case No. 7/2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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