

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13917 of 2015

Arising Out of PS.Case No. -49 Year- 2014 Thana -MAHILA PS District- KATIHAR

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Shiva Sah @ Santosh S/o Saudagar Sah Resident of Mohalla Siksha Nagar,
Ward No. 45, Police Station Katihar Town, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 01-05-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
22.01.2015 in a case registered for the offences punishable under
Sections 376 and 506/34 of the Indian Penal Code.

It is alleged that the petitioner used to talk
with the informant on promise to marry and on 13.11.2014 the
informant went the petitioner on his phone call when he
established physical relationship on promise of marriage but
subsequently refused to marry.

It is submitted by learned counsel for the
petitioner that for the occurrence of 13.11.2014 the FIR was
registered on 22.11.2014 and the victim was medically examined

on 05.12.2014, but no sign of rape was found. Moreover, from the accusation it appears that consented physical relationship was established.

However, counsel for the State submits that in medical examination the victim was found aged about 16 years.

Considering the accusation of establishing physical relationship on promise of marry and the delayed lodging of the case as well as medical report, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Mahila P.S. Case No. 49 of 2014.

(Dinesh Kumar Singh, J)

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