

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21221 of 2015

Arising Out of PS.Case No. -211 Year- 2014 Thana -ALOULI District- KHAGARIA

=====

1. Md. Nausad @ Md. Nausad Alam S/o Md. Matlaen Resident of Village Cherakhera, P.S. Allouli, District Khagaria (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s Mr. Madhuranand Jha(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 08.10.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

According to the prosecution case itself, marriage of the informant was settled with the petitioner and taking advantage of settlement of marriage, petitioner is said to have established physical relation with the informant and subsequently, when informant became pregnant, petitioner refused to solemnize his marriage with the informant.

The contention on behalf of the petitioner is that fact of the case discloses that informant was consenting party and, at best, section 420 of the Indian Penal Code is made out.

Learned counsel for the informant opposes the prayer submitting that physical relation was established on false promise of marriage.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Khagaria in Allouli P.S. Case no. 211/2014.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--