

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29074 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -BARARI District- KATIHAR

Umakant Kapri @ Srikant Kapri @ Srikant Mandal S/o Rajendra Kapri
@Tuntun Kapri R/o Chikni, P.s Barari, Distt- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar 1 (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 07-10-2015 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Barari P.S.Case No. 31 of 2015 registered under Sections 376
and 120B of the Indian Penal Code.

Case diary in the present case was called for earlier,
which has since been received.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case. Actually it is a
case of love affairs and the girl is a major. So far as the
establishment of physical relationship with the girl is concerned,
the girl being a major and she having consented to the same, it
cannot be considered to be a case under Section 376 IPC.

Learned counsel for the State after perusal of the case diary submits that actually there was some affair between the petitioner and the complainant but when the marriage did not solemnize the case has been filed making the allegation.

Considering the aforementioned facts and circumstances and that it appears to be mere a case of disgruntled love affairs and that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with Barari P.S.Case No. 31 of 2015 to the satisfaction of the Chief Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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