

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44396 of 2015

Arising Out of PS.Case No. -1638 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Shyam Lal Tanti Son of Panchu Tanti resident of Village- Bishan Rampur, P.O. Simaria, Police Station- Kajaraili, district Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Poonam Devi wife of late Khubilal Tanti resident of Village- Bishan Rampur, P.O. Simaria, Police Station- Kajaraili, District Bhagalpur presently residing at residence of late Father Tarni Tanti, Village- Bakkhadda ,Police Station Rajaun, P.O. Rajaun , District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Adv.

For the Opposite Party/s : Ms. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3. 18-12-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 1638/2014, registered for the offences punishable under Section 323, 341 and 376 of the Indian Penal Code.

The complainant alleged that she was earlier married with Khublal Tanti, but her husband died on 31.12.2013 due to illness. She got a minor child aged about two and half years. The petitioner assured her to maintain and also promised to marry with her. She alleged that on the pretext of marriage the petitioner established physical relation, but later on, the petitioner refused to marry with her.

It appears that the complainant is his own sister-in-law (Bhabhi) of the petitioner. She is a major lady and got a child in her lap. The physical relation appears to have been established with consent.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Banka in connection with Complaint Case No. 1638/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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