

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39092 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

Amarjeet Kumar S/o Late Radhey Pd. Mahto, Resident of Mohalla -
Murtaajachak Lane, Azad Nagar Colony, P.S. - Mojahidpur, District -
Bhagalpur.

..... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Spl.APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-09-2015

Heard learned counsel for the petitioner and
learned Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail
arises out of Bhagalpur (Mahila) PS Case No. 25 of 2015,
disclosing offences under Sections 341, 323, 354B, 506, 313, 376
and 420/34 of the Indian Penal Code and Section 3(i)(x)(xii) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Learned counsel appearing on behalf of the
petitioner appears to be right in his submission that there is
significant contradiction between the statement made by the
informant in the first information report and her statement
recorded under Section 164 Cr.P.C. inasmuch as, in the first
information report which is based on a detailed written report,
there is no reference of marriage having been taken place

between the petitioner and the informant, whereas such allegation has been made in the statement made by her recorded under Section 164 Cr.P.C. He further submits that physical relationship as alleged in the first information report as well as in the statement made under Section 164 Cr.P.C. even if treated to be true, happened with the consent of the informant and no offence under Section 376 IPC is made out.

Considering the nature of allegation and the submission made on behalf of the petitioner, this application is allowed.

Let the petitioner above named, in the event of his arrest or surrender before the Court below within six weeks from today, 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, Bhagalpur in Bhagalpur (Mahila) PS Case No.25 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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