

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51549 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -MAHILA P.S. District- PATNA

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Piyush Kant @ Rohit Son of Sri Kamlesh Singh Resident of Village -
Jaishree, P.S. - Karakat, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.09.2016 in connection with Mahila (Patna) P.S. Case No. 34 of
2015 registered for the offence punishable under Sections 376,
420,504and 506/34 of the Indian Penal Code.

The prosecution case, as lodged by the victim girl, is
that on pretext of marriage, petitioner established physical relation
with the informant, but later on refused to marry her.

It has been submitted by the learned counsel for the
petitioner that the informant is an adult working lady, hence, no
case under Section 376 of the Indian Penal Code is made out
against the petitioner, as she on her own will moved along with the



petitioner. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

Learned counsel for the informant submits that the petitioner is employed in the Navy and has also threatened the informant time and again, hence, vehemently opposes the prayer for bail.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials available and that petitioner's liberty on bail would not adversely affect his trial, as charge-sheet has already been submitted, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Mrs. Suchitra Singh, learned Judicial Magistrate 1st Class, Patna in connection with Mahila (Patna) P.S. Case No. 34 of 2015.

It is, however, made clear that petitioner will file an affidavit stating therein that he will appear before the learned Court below on each and every date and his failure to appear



before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

Since I have received a letter from the headquarters of 32 Wireless Experimental Unit, C/o Fleet Mail Office, Visakhapatnam – 530 014, petitioner would also apprise about his affidavit filed before the learned Court below to his Navy Headquarters.

(Nilu Agrawal, J.)

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