

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50210 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -AKBARNAGAR District- BHAGALPUR

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DHANANJAY SINGH @ BUDDHU SINGH @ BUDDU SINGH

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is languishing in custody since
09.07.2016 in a case registered for the offences punishable under
Section 376 of the Indian Penal Code.

The prosecution case is that the victim girl Sangita
Kumari, who is the informant, alleged that on the pretext of
marriage, the petitioner enticed her away and had established
relationship and later on refused to marry her.

Learned counsel for the petitioner submits that no case
under Section 376 is made out against the petitioner as it was a
consented relationship as stated by the informant herself in her
statement under Section 164 of the Cr. P. C. On refusal of
marriage by the petitioner, this present case has been lodged. It has

further been submitted that the petitioner on her showing in the F.I.R. stated her age as 19 years and also stated in her statement under Section 164 that she is 19 years of age, although, the learned Magistrate has assessed her age as 17 years.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the materials on record as well as the period of custody, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bhagalpur in connection with Akbarnagar P.S.Case No. 62 of 2016.

(Nilu Agrawal, J)

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