

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27010 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -SABOUR District- BHAGALPUR

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1. Mukesh Kumar @ Mukesh Das S/o Saryug Ravidas R/o Village-
Kashil PS Goradih District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. Tetari Kumari D/o Nageshwar Das R/o Village- Tatpur Ranga PS
Sabour, District Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 23-08-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection
with Sabour P.S. Case No. 60/2016 registered for the offences
punishable under Sections 420, 376, 354(B) and 506 of the Indian
Penal Code.

Diary in the present case was called for, which has
since been received.

Learned counsel appearing on behalf of the petitioner
submits that the present case has been lodged against the petitioner
only because, earlier a sanha had been filed by him, indicating that
the informant of the present case and her family members had
been acting in a belligerent manner and had also threatened to file

case against them, implicating them in serious offences. Learned counsel for the petitioner further submits that though on the one hand, she has stated that she is pregnant however, in her statement recorded under section 164 of the Cr.P.C., she reveals that this petitioner gave certain tablets to her from the Vaidya and refused to marry her. Furthermore, the medical tests neither indicate rape or pregnancy.

Considering the manner adopted by the informant herself and that there is still some cloud over her age, and the allegation that she has been raped for the past two years, creates serious doubt on the prosecution story, let the petitioner above named, 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, 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 Additional Chief Judicial Magistrate, Bhagalpur, in connection with Sabour P.S. Case No. 60/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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