

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50383 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -MAHILA PS District- GAYA

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Vikash Kumar son of Birju Das Resident of Village- Ram Nagar, Ps.
Tekari, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rima Kumari daughter of Rajendra Das resident of Village- Kurkihar P.s
Wazirganj, District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Md.A.Haque (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 376 of
the Indian Penal Code.

Learned counsel for the petitioner submits that an out and
out mischievous case has been lodged against the petitioner
particularly with regard to offence under Section 376 of the Indian
Penal Code. Admittedly, the informant-victim is a major and the
present case has been occasioned on account of broken negotiation
of marriage between the family of the petitioner and the family of
the informant.

The statement under Section 164 Cr. P.C. of the victim

Reema Kumari also points to such circumstances. So far as the allegation under Section 376 of the Indian Penal Code is concerned, it appears that the act, if at all is to be believed was consensual as it was only on an assurance of marriage that she had participated in having physical relationship with the petitioner.

Considering the entire facts and circumstances of the case and also that the petitioner has no criminal antecedent, let the petitioner, in the event of his arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Gaya in connection with Mahila P.S. Case No. 31 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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