

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.325 of 2016

Arising Out of PS.Case No. -454 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Guddu Ram S/o Umesh Ram r/o vill Kama Bigha, P.S. Aurangabad
(Town), District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 07-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 363, 366, 376/34 of the
Indian Penal Code.

The prosecution case is that the informant was earlier
married with one Sankar Ram. Subsequently, seven months prior
to lodging of the FIR, the informant came to her parent's house,
when the petitioner taken her to Surat and established physical
relationship, on the pretext of marriage. But after four months, the
father of the petitioner came there and directed the petitioner to
marry someone else.

It is submitted by learned counsel for the petitioner that

there is no proof that the informant lived in the company with the petitioner or petitioner established physical relationship with her. The medical examination of the victim was not done. Moreover, as per own admission of the informant, in the FIR, the informant was already married and she went in the company of the petitioner on the pretext of promise. Hence, neither any offence under sections 363, 366 IPC nor section 376 IPC is made out. The FIR does not reflect the exact date of the commission of the offence. A statement has been made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Aurangabad (Town) P.S. Case No. 454 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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