

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25282 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -LAHERI District- NALANDA
(BIHARSHARIFF)

Munhe Kumar @ Shubham Singh, Son of Sri Manoj Kumar, Resident of
Sheo Nagar, P.S.- Nawadah, District- Nawadah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Aditya Narayan Singh-1, Advocate
For the State : Mr. Sri Iftekhar Mahmood, APP
For the Complainant : Mr. Premchandra Yadav, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 12-08-2016 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State as also the
learned counsel appearing for the complainant/informant.

The petitioner is apprehending his arrest in
connection with Laheri P.S. Case No.278 of 2015, arising out
of Complaint Case No.1127(C) of 2015, for allegedly having
committed the offence under Sections 376 and 120B of the
Indian Penal Code.

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

Learned counsel for the petitioner submits that the
entire allegation against the petitioner is false and fabricated



and since there was friendship between the petitioner and the complainant, no case as alleged is made out against the petitioner. Admittedly, they were in friendship, but there was no assurance of marriage. Learned counsel further submits that it is only on account of her being disgruntled, that she has filed the present case against the petitioner. Since the petitioner is unemployed, he is not ready to the marriage.

Learned counsel appearing on behalf of the complainant, however, opposed the prayer and submitted that the complainant has been deceived. The complainant was in relationship with the boy-the petitioner, but when she asked for the marriage, the petitioner refused to marry.

Learned counsel for the State after perusal of the case diary submits that both the parties are major and admittedly, the girl was in live-in relationship with the boy and had been living together in the same room while taking tuition at Patna. Such being the situation, no case under Section 376 of the I.P.C. is made out.

After having heard learned counsel for the parties and after perusal of the materials in the case diary, I find that there is no cogent material against the petitioner under Section 376 of the I.P.C.

Accordingly, 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 released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, in connection with Laheri P.S. Case No.278 of 2015, arising out of Complaint Case No.1127(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--