

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12085 of 2016

Arising Out of PS.Case No. -1014 Year- 2013 Thana -PATNA COMPLAINT CASE District-
 PATNA

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1. Vishak Kumar @ Bisheshak Kumar Mahto @ Vishek Kumar Mahto S/o Late Sagar Mahto resident of Village Bhikhanpur, P.S. Desari District Vaishali at present in the house of Jagnarayan Sinha, Situated in Mohalla Jalalpur P.S. Rupaspur District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Sima Devi W/o Prem Sao resident of Village Gobhtal P.S. Danapur District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s Mr. Ajay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 29.03.2016 Heard learned counsel for the petitioner, learned Addl. Public Prosecutor for the State as well as learned counsel for the complainant.

Petitioner is in jail custody since 7.2.2016 in Complaint case no. 1014C/2013 in which prima facie case has been found for the offences punishable under sections 420, 493, 494, 496 and 323 of the Indian Penal Code.

The accusation against the petitioner is that he established physical relation with the complainant by playing fraud.

The contention on behalf of the petitioner is that story, as propounded in complaint petition, is palpably false and concocted and, as a matter of fact, complainant had taken some loan from the petitioner's wife and when demand was made, complainant lodged

this false case. It is further contended by him that even if the prosecution story assumed to be true, then also, it is obvious from contents of complaint petition itself that complainant was a consenting party because according to the prosecution case itself, physical relation of the complainant with the petitioner continued from 2005 to 2013 i.e. near about eight years.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Danapur District Patna in Complaint case no. 1014C/2013.

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(Hemant Kumar Srivastava,J)

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