

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15324 of 2016

Arising Out of PS.Case No. -80 Year- 2014 Thana -KAJRAILI District- BHAGALPUR

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Md. Banti @ Md. Afroz @ Afroj son of Md. Idrish@ Md. Idrish Sah
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey
For the Opposite Party/s : Mr. Binod Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The informant claims that she was raped by the petitioner on 4.9.2014 but, later on, petitioner gave assurance of marriage and that was the reason, the case was not lodged on the above stated date. Moreover, after some time, petitioner refused to solemnize his marriage with the informant, resulting institution of the present case on 14.09.2014.

Contention on behalf of the petitioner is that no such occurrence, as alleged by the informant, did ever take place and, as a matter of fact, the informant and her family members pressurized the petitioner to solemnize the marriage with the informant but when the petitioner as well as his other family members did not buckle upon the aforesaid pressure, the informant

lodged this false case against the petitioner. It is further submitted that the informant was major at the time of institution of the first information report, which is evident from perusal of the written report of the informant itself and, therefore, even if the prosecution story is assumed to be true, then also, it appears that the informant was a consenting party.

Accordingly let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge cum Special Judge (POCSO) Act, Bhagalpur in connection with Kajraili P.S.Case No. 80 of 2014.

(Hemant Kumar Srivastava, J)

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