

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19051 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -BELTHAR District-
WESTCHAMPARAN(BETTIAH)

Sahadat Gaddi Son of Basahi Gaddi resident of village - Bhawani, P.S.
Balthar, District - West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-05-2016 Heard learned counsel for the petitioner and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Balthar P.S.Case No. 01/2016, disclosing offences under
sections 366, 376/34 of the Indian Penal Code.

Learned counsel, appearing on behalf of the petitioner, has
submitted that no offence under section 376 of the Indian Penal
Code is made out on the basis of what has been alleged in the
complaint petition, which is the basis for registration of the First
Information Report. He submits that physical relationship, if any,
as alleged in the complaint case, is consensual in nature and
lodging of the complaint case is an abuse of the process of the
Court.

I find substance in the submissions made on behalf of the petitioner. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Jitesh Kumar, Judicial Magistrate, 1st Class, Bettiah, West Champaran in Balthar P.S.Case No. 01/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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