

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45559 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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1. Barun Yadav Son of Shiv Shankar Yadav resident of Kalikapur, P.S.
Kaluahi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 29-11-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The accusation against the petitioner is that he committed rape on the informant but submission on behalf of the petitioner is that the informant was a consenting party and as a matter of fact, when petitioner and informant were caught in objectionable condition by the family members of the informant, the informant under pressure of her family members lodged the present case making false allegation against the petitioner.

To fortify the above stated contention learned counsel for the petitioner drew my attention towards the written report as well as Para -34 of the case diary, and submitted that the informant has admitted in her written report that after committing rape the



petitioner was taking rest. Similarly, 34 of the case diary goes to show that the gotni of the informant says that when she entered into the room of the informant she found Barun Yadav beneath the chowki.

Learned counsel for the petitioner submits that the aforesaid circumstance reflects that there was consent of the informant, who happens to be major girl.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Sub-Divisional Judicial Magistrate, Madhubani in connection with Madhubani Sadar Mahila P.S.Case No. 86 of 2015.

(Hemant Kumar Srivastava, J)

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