

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47837 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Lav Kumar Singh @ Lav Kush Singh aged about 26 years, son of Sri Krishna Singh, resident of village Jalpura (Gobardhan Chak), P.S. Koilwar, P.O. Sripalpur, Dist. Bhojpur.

.... Petitioner/s

Versus

1. State of Bihar
2. Sabita Kumari, aged about 24 years, Daughter of Bhikhar Mahto, village Jalpurra (Gobardhan Chak), P.O. Sripalpur, P.S. Koilwar, Dist. Bhojpur, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anup Kumar

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 14-12-2016 Heard both sides.

The petitioner apprehends his arrest in connection with Mahila (Bhojpur, Ara) P.S. case no. 34 of 2016, registered under Sections 323, 376 and 506 of the IPC.

After the victim was married in 2009 and went to Surat wherefrom she came back to the house of the petitioner on her own volition the present case has been lodged with an allegation that while she was studying in school, the petitioner developed illicit relationship with the victim and subsequently he refused to marry.

Contention of the petitioner is that on an application initially filed before the Superior police authorities, the same was



investigated wherein the allegation was found not substantiated. Even according to the First Information Report (FIR), the informant-victim was married in 2009 whereas the complaint was lodged in 2015 which was later treated as an FIR.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Bhojpur, Ara, in connection with Mahila P.S. case no. 34 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two



consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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