

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18118 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -MAHILA PS District- JAMUI

Binod Kumar, son of Jung Bahadur, resident of Mohalla- Bari Khagaul (Near Shiv Mandir), PO + PS-Khagaul, District-Patna; presently working as Loco Pilot in the Office of divisional Railway manager, Eastern Railway, Asansol and presently residing at Rail Par, Ram Krishna Dangal (near New Chandan Jewellers) PO + PS-Asansol, District Burdwan, West Bengal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Madan Kumar(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 12-07-2016 A certified copy of the First Information Report has been filed today in Court. Let it be kept on record.

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Jamui Mahila P.S. Case No. 67 of 2015, disclosing offences under Sections 376,493,323 and 504 of the Indian Penal Code.

It is alleged that the petitioner sexually exploited the informant under an assurance that he will be married.

Learned counsel for the petitioner has submitted that on the basis of allegation made in the First Information Report, no offence under Section 376 of the Indian Penal Code is made out as physical relationship as alleged in the First Information Report, if

any, is consensual in nature. He secondly, submits that the informant herself is a married woman and, therefore, there would have no occasion for an assurance by the petitioner to marry her.

Learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for bail, referring to the few paragraphs of the case diary.

However, considering the nature of accusation, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, 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 the Sub Divisional Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 67 of 2015 (G.R. No. 1060 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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)

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