

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4866 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Tabrez @ Laddu @ Tabrej Alam son of Md. Muslim, resident of
Village- Naya Bazar, Kesariya, P.S.- Kesariya, Dist- East Champaran.
..... Petitioner/s

Versus

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

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 04-03-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kesariya Police Station Case No. 279 of 2015,
disclosing offences under Sections 376, 493 and 506/34 of
the Indian Penal Code.

Learned Counsel for the petitioner submits that
even if the contents of the First Information Report are
taken to be true, no offence under Section 376 of the
Indian Penal Code is made out inasmuch as the physical
relationship alleged to have been established by the
petitioner with the informant is consensual in nature.

Considering the submission, as above, this
application is allowed.

Let the petitioner, Md. Tabrez @ Laddu @ Tabrej Alam, in the event of his arrest or surrender before the Court below within six weeks, 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 S. L. Priyadarshi, Judicial Magistrate, Sadar at Motihari, East Champaran, in connection with Kesariya Police Station Case No. 279 of 2015, subject to the condition 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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