

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17995 of 2016

Arising Out of PS.Case No. -133 Year- 2016 Thana -SAHARSA District- SAHARSA

Amrendra Kumar Verma S/o Late Binod Lal Das R/o Kayastha Tola Ward
No. 23, P.S. Saharsa, Dist. Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Mr. N.K. Agarwal, Sr. Advocate
Mr. D.N. Tiwari, Advocate
Mr. Ajay Kumar Sharma, Advocate
For the State : Mr. Pancha Nand Pandit, APP
For the informant : Mr. Bhaskar Shankar, Advocate
Mrs. Meena Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-05-2016

Heard learned counsel for the petitioner, learned

APP for the State as also learned counsel for the informant.

Petitioner apprehends arrest in connection with
Saharsa P.S. Case No. 133/16 for offences alleged under Sections
376, 323, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that the petitioner established physical relation with the
informant at different places on the pretext of getting marriage but
on 17.02.2016 informant came to know that petitioner is going to
solemnize his marriage and she rushed to the house of the
petitioner and made protest but all the accused persons abused and
slapped her.

It has been submitted by the learned counsel for



the petitioner that he is innocent having not committed any offence and has falsely been implicated in the aforesaid case. He further submits that he has no criminal antecedent, as is evident from paragraph 3 of this petition. Learned senior counsel for the petitioner Sri N.K. Agrawal places reliance on the judgment of the Apex Court in the case of Deelip Singh @ Dilip Kumar Vs. State of Bihar, since reported in 2005(1) PLJR 119 (SC) and in the case of State of Madhya Pradesh Vs. Munna, since reported in (2016) 1 SCC 696 stating therein that as soon as consented relationship is established, the accused extricates himself from the clutches of the penal law, hence, no case under the aforesaid Sections is made out against this petitioner.

However, learned counsel for the informant submits that the petitioner has entered into sexual relationship with assurance of marriage, hence, opposes the prayer for bail

Learned APP for the State also opposes the prayer for bail submitting that petitioner is named in the First Information Report.

Considering the aforesaid facts and circumstances, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa P.S. Case No. 133/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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