

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29078 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Kaushal Upadhyay son of Surendra Upadhyay @ Surendra Kr. Upadhyay,
resident of village - Gagoura, P.S. - Buxar, District - Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Smt. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 27-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Industrial Area P.S. Case No.79 of 2016 registered under Section
366A of the Indian Penal Code (for short 'IPC').

Learned counsel for the petitioner has submitted that
institution of the FIR under Section 366A of the IPC is bad in the
eye of law as the victim is a major lady, who was admittedly
married nine years ago. Referring to the statement of the victim
recorded under Section 164 of the Code of Criminal Procedure
(for short CrPC'), it has been submitted that the allegations made
therein are highly improbable. It has further been submitted that
there are several contradictions in the allegations made in the FIR

and the statement of the victim recorded under Section 164 CrPC.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he concedes that in the statement recorded under Section 164 of the CrPC, as contained in annexure 2 to the petition, the victim has narrated her age to be twenty six years.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the above named petitioner is directed to 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, Buxar in connection with Industrial Area P.S.Case No.79 of 2016 subject to the conditions as laid down under Section 438(2) of the CrPC.

(Ashwani Kumar Singh, J)

Md.S./-

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