WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36187 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -MAHILA P.S. District- NALANDA (BIHARSHARIFF)

==========

Bablu Kumar, son of Bishu Mahto, Resident of Village : - Dhobi Tola, P.O. + P.S. : - Rajgir, District : - Nalanda.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

==========

Appearance :
For the Petitioner : Mr. Hansraj, Adv.
For the Opposite Party : APP

==========

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-09-2016 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 324, 323 and 341/34 of the Indian Penal Code registered in connection with Mahila P.S. Case No. 37 of 2016

3. It is submitted that the petitioner has been falsely implicated with the accusation of exploitation with the allurement of marriage. Even according to the F.I.R. it is evident that the informant was aware that the petitioner was already married. It is further stated that the informant herself is a married lady older than the petitioner, having a 6 year-old son and 5 year-old daughter. It is submitted that it was a case of consensual relationship and the ingredients of Section 376 of the Indian Penal Code are not made out. The accusation of selling the complainant's ornaments is ornamental in nature.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of

communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif in connection with Mahila P.S. Case No. 37 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

U		T	