

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41129 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

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Pappu Ranjan, S/o late Chandeshwar Prasad Sinha, R/o Village- Nayaganj,
P.S.- Desri, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Sanjay Kumar, Advocate
For the Informant : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Mr. Sri Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-10-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Desri P.S. Case No. 110 of 2016, disclosing offences under
Sections 315, 376, 420 and 506 of the Indian Penal Code.

Learned Senior Counsel appearing on behalf of the
petitioner has submitted that from the First Information Report and
statement of the alleged victim recorded under Section 164 of the
Code of Criminal Procedure, no offence under Section 376 of the
Indian Penal Code is made out inasmuch as the informant has not
alleged that the petitioner used any force or inducement for

establishing physical relationship. It is his submission that lodging of the First Information Report is a pressure tactics adopted by the father of the informant so that the petitioner could agree for marriage with the informant.

Learned counsel appearing on behalf of the informant, on the other hand, while opposing the prayer for anticipatory bail, has submitted that the petitioner established physical relationship with the informant on false assurance of marriage and, therefore, the petitioner does not deserve anticipatory bail.

Considering the rival submissions as noted above and the fact that the informant is major and there is no allegation of use of physical force or inducement of the nature which may constitute an offence under Section 376 of the Indian Penal Code, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Desri P.S. Case No. 110 of 2016, 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.

It is indicated that observations made in the present order are tentative in nature and should not be considered as submission on the merit of the allegation made in the First Information Report or in the statement under Section 164 of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

Vats/-c

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