

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16851 of 2017

Arising Out of PS.Case No. -259 Year- 2016 Thana -BAKHTIARPUR District- SAHARSA

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1. Anil Bharti Choudhari, son of Late Maheshwari Chaudhari @ Maheshwar Chaudhari, resident of Village- Triveniganj, Tola- Kaparia, P.S.- Triveniganj, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-05-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of regular bail for offences under Sections 363, 366(A)/34 of the Indian Penal Code.

Victim Mamta Kumari stated before the police that the petitioner had committed rape with her.

Submission of the petitioner is that this is a matter of love affair. The petitioner is in custody since 07.09.2016 and the police submitted charge-sheet under Section 363 and 366A of the Indian Penal Code.

Learned counsel for the informant submitted that, in fact, the petitioner had kidnapped the victim and taken to Himachal Pradesh and kept her there for two months.



Learned counsel for the petitioner submits that the petitioner undertakes to marry with the victim, if the victim is ready.

Considering the undertaking of the petitioner, let the petitioner, above named, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saharsa in connection with Bakhtiyarpur P.S. Case No. 259/2016. Provisional bail of the petitioner shall be confirmed only after marriage between the parties. If the victim would refuse to marry with the petitioner, in that event, the provisional bail shall be confirmed. However, if the petitioner resist from marriage, his provisional bail shall not be confirmed and the matter will be reported to this Court.

(Birendra Kumar, J.)

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