

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19043 of 2017

Arising Out of PS.Case No. -110 Year- 2016 Thana -MAHILA PS District- KATIHAR

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Md. Arman, Son of Md. Jamal, Resident of Village-Madhura, P.S. Korha,
District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mahila P.S. Case No. 110
of 2016 instituted for the offence under Sections 376, 313, 323
and 506/34 of the Indian Penal Code.

As per allegation in the written report, the petitioner
established physical relationship with the informant on pretext of
performing marriage with her, on account of which, she became
pregnant. Thereafter, petitioner refused to marry the informant.
The victim girl has given her statement under Section 164 Cr.
P.C. wherein she has stated that petitioner established physical
relationship on promise to marry her, but later on, he performed
another marriage. The girl has stated her age to be 16 years and
the Magistrate has also assessed her age as 16 years. The girl has



been medically examined and doctor has assessed her age between 18-19 years and she was found pregnant of eight weeks.

From the narration in the written report as well as the statement under Section 164 Cr. P.C., it appears that even if physical relationship was established by the petitioner with the informant, it was with consent of the victim and she became pregnant.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 Additional Sessions Judge 1st cum Special Judge, Katihar, in connection with G.R. No. 4504 of 2016 arising out of Mahila P.S. Case No. 110 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

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(Sanjay Priya, J)

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