

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24935 of 2017

Arising Out of PS.Case No. -206 Year- 2016 Thana -TARAIYA District- SARAN

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ABHISHEK KUMAR SINGH @ ABHISHEK KUMAR Son of Sri Madhav
Singh Resident of Village- Lauwan, P.S. Taraiya, District Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with
Taraiya P.S.Case No. 206 of 2016 registered for the offences
punishable under Sections 496 and 376/34 of the Indian Penal
Code.

Allegation is that petitioner has committed rape upon
the prosecutrix on the assurance of marriage and later on he
refused to marry her and married one another girl.

It has been submitted on behalf of the petitioner that
as per FIR the relationship between the petitioner and victim was
continuing for 12 years and she became major in the year 2008
and she is consenting party. It has further been submitted that
according to FIR petitioner has married the victim girl in a temple
and, accordingly, allegation of committing rape is not made out
against the petitioner and he is in custody since 22.3.2017.

Heard learned APP and learned counsel for the
informant also. They have opposed the prayer for bail stating that
the petitioner has committed rape on the assurance of marriage



and, as such, he does not deserve bail.

Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Saran, Chapra, in connection with Taraiya P.S.Case No. 206 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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