

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48046 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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1. RAB HUSSAIN ALAM @ RAB HUSSAIN Son of Nabi jan Miyan,
Resident of Village-Batardeh, P.S.-Barauli, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shafiur Rahman

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-11-2017

Heard the parties.

The petitioner seeks regular bail in connection with Gopalganj Mahila P.S.Case No.45 of 2016 registered for offences punishable under Sections 493, 376, 504, 341 & 323/34of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the informant on assurance of getting married with her.

Submission of the learned counsel for the petitioner is that she is aged about 35 years as a major as such it appears to be a consensual physical relationship and it will not under the purview of Section 376 of the IPC. As a matter of fact the petitioner has been falsely implicated in this case, which will appear from the fact that she is aged about 35 years, whereas the petitioner is also aged about 35 years and she is interested in marrying with him and when he refused to marry with her, the present case has been



lodged.

Heard learned A.P.P. also.

Having heard both sides and in view of facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj Mahila P.S.Case No.45 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be local person having sufficient immovable property within jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidences.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court concerned and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, his bail bond shall be cancelled.

With the aforesaid observation, this application is

allowed.

(Vinod Kumar Sinha, J)

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