

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14802 of 2017

Arising Out of PS.Case No. -140 Year- 2016 Thana -AZAMNAGAR District- KATIHAR

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1. Babar Ali, Son of Lukman, Resident of Village- Kusol, Police Station- Azam Nagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-04-2017 Heard both sides.

The petitioner seeks bail in Azamnagar P.S. case No. 140 of 2016 under Section 376, 452 of the Indian Penal Code.

The victim alleged that on 04.02.2007 at 11 in the night the petitioner entered into her house and on the pretext of marriage established physical relation with her. The petitioner continued to have sexual relation with the informant on the pretext of marriage but later on the petitioner refused to marry with the informant.

The learned counsel for the petitioner submits that first occurrence took place on 04.02.2007 but she remained quiet for nine months and filed complaint case on 06.11.2007 which was sent to the P.S. under Section 156(3) of the Cr. P. C. for



institution and investigation of the case. The police on such registered the case only on 05.05.2016, i.e., after about nine years. On perusal of the complaint petition itself, it appears that the victim was a consenting party.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on 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 Chief Judicial Magistrate, Katihar in Azamnagar P.S. Case No. 140 of 2016.

(Prabhat Kumar Jha, J)

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