

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5593 of 2017

Arising Out of PS.Case No. -466 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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Md. Ataul, Son of Late Md. Majid Resident of Village- Pipra Devas, P.S.
Barauni, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-02-2017 Heard both sides.

The petitioner seeks anticipatory bail in connection with Barauni P.S. Case No. 466 of 2016, instituted for the offence punishable under Sections 376, 313, 307/34 of the Indian Penal Code.

Allegation as per written report is that one Md. Hasan committed rape on the informant on account of which she conceived and became pregnant. This petitioner is the father of Md. Hasan and allegation against him is that he and his family members caused miscarriage of her pregnancy by giving some medicine in water.

Learned counsel for the petitioner submits that the informant is a major girl and in her statement made under Section



164 of Cr.P.C. before the learned Magistrate, has not stated anything against the petitioner. She has stated that she had affairs with the son of the petitioner and he forcibly administered poisonous medicine in luke water causing miscarriage of her pregnancy. It was further submitted that both parties have entered into compromise and after marriage, the informant is residing with the son of the petitioner as wife and husband. She has not named the petitioner. The petitioner is in custody since 30.12.2016 having no criminal antecedent.

Learned APP, on the other hand, opposed the submissions.

Considering the omnibus allegation administering medicine for causing miscarriage and also the fact that she has not stated anything against the petitioner before the learned Magistrate, the prayer of bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No. 466 of 2016.

(Sanjay Kumar, J)

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