

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35096 of 2017

Arising Out of PS.Case No. -363 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Amerika Ram S/o Chander Ram, Resident of Village- Bagahi Bahuarawa, P.O.- Lala Tola, Bagahi, P.S.- Yogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 31.05.2017 in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 363 of 2017 for offence punishable under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on the pretext of marriage, the petitioner had established physical relationship with her and when she was five months pregnant, he ran away and is giving her threatening.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. In fact, they had fallen in love in Punjab where both were working together in a Bottle Company as stated by the



victim lady. Thereafter, they had performed a Court marriage and when she was five months pregnant, the petitioner left her. He submits that at best it is a case of desertion and Section 376 will not be applicable as the petitioner is a major who herself performed marriage with the petitioner as stated in her statement under Section 164 Cr.P.C.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 363 of 2017.

(Nilu Agrawal, J)

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