

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55544 of 2016

Arising Out of PS.Case No. -274 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Shamsad Alam @ Shamsad Khan, Son of Samsuddin Mian resident of
Village- Mathlohiyar, P.S.- Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-03-2017

Heard both sides.

The petitioner seeks bail in Harsidhi P.S. Case No. 274/2016, registered for the offences punishable under Sections 376, 379 and 506 of the Indian Penal Code.

The informant alleged that she was married to Kapildeo. Her husband deserted her because he got illicit relation with another girl. The petitioner was living by the side of the informant and he kept her younger son concealed. The informant moved here and there in search of her son along with the petitioner and in the meantime the petitioner forcibly established physical relation with the informant.

It is further alleged that the petitioner started living with the petitioner as husband and wife. One month ago the petitioner came to his house. The informant also came to the house of the petitioner but the petitioner did not allow him to reside in his



house and drove her out from his house along with children.

Learned counsel for the petitioner submits that no offence under Section 376 is made out. The informant is a major lady. She was willing to live with the petitioner. The informant wanted to take undue advantage from the petitioner and due to which this false case has been lodged.

Learned Additional P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail.

Learned counsel for the informant submitted that the informant is ready to live with the petitioner.

From perusal of the FIR itself, it appears that the informant is a major lady and she got children from her first husband. She voluntarily started living with the petitioner as husband and wife.

Considering the facts aforesaid, the petitioner above named 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, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 274/2016.

(Prabhat Kumar Jha, J.)

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