

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1688 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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Ujjawal Kumar, Son of Sri Dinesh Paswan, Resident of Village -
Chhariyari, P.S. - Makhdumpur, District - Jehanabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party : Mr. Smt Sangeeta Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Mahila (Jehanabad) P.S. Case No. 39 of 2016, registered for
the offence punishable under Section 376 of the Indian Penal
Code.

Allegedly, on the pretext of marriage the petitioner
allegedly developed physical relationship with the informant and
now he is not ready to marry with her.

Submission is of false implication and that through
the Medical Board the age of victim girl assessed as between 18 to
20 years vide Annexure-2. The victim being major has given
consent for physical relationship and, as such, no offence under



Section 376 of the Indian Penal Code is made out. As per allegation, it was consented sex and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the age of the victim girl and the allegation, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction Sub-Divisional Judicial Magistrate, Jehanabad, in connection with Mahila (Jehanabad) P.S. Case No. 39 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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