

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7835 of 2017**

Arising Out of PS.Case No. -77 Year- 2016 Thana -MAHILA P.S. District- PATNA

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1. Jai Prakash Mishra, son of Vijay Shankar Mishara, resident of village-Sharda Vidya Mandir, Tundi Bazar, Police Station- Chouki, District-Patna.(As a renter in the Building of Kusumi Devi wife of Rajendra Prasad).

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nitya Nand Tiwary, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5/ 21-06-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Mahila P.S. Case No.77 of 2016 instituted for the offence under Section(s) 376 and 415 Indian Penal Code.

As per allegation in the written report, the petitioner established physical relationship with the informant after performing marriage with her in Mahavir Mandir, Patna.

The victim (informant) has given her statement under Section 164 Cr. P.C., wherein, she has stated her age as 33 years and the Court has also assessed her age as 33 years.

From the narration made in the statement recorded under Section 164 Cr. P. C., it appears that whole act was done with consent of the informant, who is a major girl.



In the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Mahila P.S. Case No.77 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

**JA/-**

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