IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43352 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Deepak Kumar Bhandari, Son of Dev Sharan Bhandari, Resident of Village- Atrauli, P.S.- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi, Daughter of Mahendra Paswan.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ravindra Kumar Singh
For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

7 08-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila Thana P.S. Case No. 50 of 2015, registered under Section 376/34 of the Indian Penal Code.

The allegation of informant, Rani Devi, is that she used to reside at her Maika. On 15/16.07.2015, when she was sleeping at her house then, at about 2.00 P.M., in the night, petitioner came and tried to commit rape with her on assurance to perform the marriage and also giving threatening of dire consequences. Thereafter, petitioner committed rape on her. On raising alarm, her parents woke up and caught hold the petitioner

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and villagers also reached there. Thereafter, Panchayati was arranged on 22.07.2015 but the family members of the petitioner facilitated the petitioner to leave the village.

Learned counsel for the petitioner submits that, in fact, after marriage informant was left by her husband and she wants to perform the marriage with this petitioner due to that reason the present case has been lodged with false allegation only to give undue pressure. Moreover, a compromise petition was filed in the court of Additional Sessions Judge-V, Madhubani, at the time of disposal of ABP No. 881 of 2015, in which, the informant and the petitioner put their signature. It is further submitted that except the family members of the informant none has supported the prosecution case.

Having regard to the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner vide order dated 27.10.2016, in connection with Mahila Thana P.S. Case No. 50 of 2015 pending in the court of S.D.J.M., Madhubani is hereby confirmed.

(Rajendra Kumar Mishra, J)

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