

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25653 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -RAUTA District- PURNIA

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1. Md. Junaid @ Mustaqueem, son of Md. Mustafa, resident of Village-Madhopur, P.S.- Rauta, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 07-07-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

This application, for grant of anticipatory bail, arises out of Rauta Police Station Case No. 11 of 2017, disclosing offences under Sections 376/34 of the Indian Penal Code.

The informant is the mother of the victim. Allegedly, the petitioner established physical relationship with the informant's daughter on assurance that he will be marrying her. Subsequently, he refused to marry.

Learned Counsel appearing on behalf of the petitioner has submitted that Section 376 of the Indian



Penal Code cannot be said to be made out on the basis of what has been alleged in the First Information Report. It is not the case of the prosecution that the victim was minor.

Considering the above submission, this application is allowed.

Let the petitioner, Md. Junaid @ Mustaqueem, in the event of his arrest or surrender before the Court below within six weeks, 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 of learned Additional Chief Judicial Magistrate II, Purnea, in connection with Rouda Police Station Case No. 11 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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