

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40867 of 2017

Arising Out of PS.Case No. -259 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Shahid Pervez, son of Akbar Ali, resident of Village- Allaula, P.S.-
Kalyanpur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-09-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Kalyanpur P.S. Case No. 259 of 2016 registered for the offences punishable under Sections 376 and 506 of the Indian Penal Code.

Allegation against the petitioner is that he has committed rape upon the informant.

Submission of learned counsel for the petitioner is that the girl is major and she was consent in commission of rape. Further submission is that good relationship is prevailing between them and a compromise petition has been filed in the court below, which will appear from the impugned order itself and he is in custody since 19.7.2017.

Heard learned APP also, who has opposed the prayer for bail stating that on the assurance of marriage he has committed rape upon her, which is not free consent.



Having heard both sides and in view of facts and circumstances, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 259 of 2016, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned,
- (2) Petitioner will co-operate in trial and appear in court on each and every date fixed in the case and on failure to appear without any genuine ground or without permission of court, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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