

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15171 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -MAHILA P.S. District- SAMASTIPUR

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Saif Ali @ Md. Saif, Son of Md. Asfak, resident of Village- Koilam, P.S.
Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

5 06-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Samastipur Mahila P.S. Case No. 18 of 2016 registered under
Sections 376(1) and 417/34 of the Indian Penal Code.

The accusation is that petitioner developed physical
relation with the informant, who has already married, on assurance
to perform the marriage due to which her husband divorced her.
When the informant asked the petitioner to perform the marriage
then this petitioner left the village.

Learned counsel for the petitioner submits that it
would appear from the F.I.R. that at the time of developing of
physical relation by the petitioner, the informant was married, so



no question arises to develop the physical relation with the informant on assurance to perform the marriage. In fact, the informant, who is bad character, has lodged the present case only to black mail the petitioner. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur Mahila P.S. Case No. 18 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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