

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52212 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

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Md. Javed @ Javed Alam, son of Md. Faiyaz, resident of village- Tejpurwa,
P.S.- Patepur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the State : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Hajipur Mahila P.S. Case No.23 of 2017 registered under Sections
341, 323, 376, 379, 420 504, 506 and 406/34 of the Indian Penal
Code (for short 'I.P.C.')

It is submitted by the learned counsel for the petitioner
that in view of the fact that the informant is an adult girl aged
about twenty one years, even if the allegations made in the FIR are
accepted to be true, though denied, no offence under Section 376
of the I.P.C. would be made out. Moreover, the FIR was instituted
after two months for which no plausible explanation has been
given. Furthermore, the informant was never medically examined
by a doctor and though she named altogether nine persons as
Panchas including Mukhiya and Sarpanch of the Panchayat, all of



them have consistently stated before the investigating officer that no such *Panchayti* for establishing physical relationship was ever held.

On the other hand, learned counsel for the State submitted that the F.I.R. was delayed as the informant was waiting for the outcome of the *Panchayti*. He, however, conceded that the witnesses have not supported the allegations made in the F.I.R. regarding *Panchayti* with respect to promise made by the petitioner to the victim for marriage pursuant to which she established physical relationship.

Regard being had to the submissions made by the learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to 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 S.D.J.M., Vaishali at Hajipur in connection with Hajipur Mahila P.S. Case No.23 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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