

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44664 of 2016

Arising Out of PS.Case No. -151 Year- 2016 Thana -FALKA District- KATIHAR

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Raju Mandal son of Surya Narayan Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Falka Police Station Case No. 151 of 2016 registered for the
offences punishable under Sections 376 and 120B of the Indian
Penal Code.

Originally, the informant filed complaint petition
which was converted into police case. The informant claims that
she was raped by the petitioner in the month of September 2015
but complaint case was filed on 17.06.2016 when she became
pregnant. The informant also claims that petitioner made physical
relation with her from the month of September 2015 to April
2016.

Learned counsel appearing for the petitioner submits
that the informant is a married lady and her husband, namely,
Fakirchndra Mandal, filed a suit for restitution of conjugal right
and in the aforesaid suit, the husband of the informant admitted



that the informant became pregnant due to above stated wedlock and it is further submitted that, as a matter of fact, prior to filing of the present case, the wife of the petitioner lodged Falka P.S. Case No. 113 of 2016 against the father of the informant and that is the reason of false implication of the petitioner in the present crime. It is further submitted that even if prosecution story is assumed to be true, then also, it is obvious that the informant was consenting party and no case under section 376 of the Indian Penal Code is made out.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Falka Police Station Case no. 151 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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