

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34703 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Anand Kumar @ Andan Kumar, Son of Sri Suresh Sharma, resident of
Village - Beldaria Khajurar (Kajichak), P.S. - Bhadaur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-08-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Mahila P.S. Case No. 34 of 2017, disclosing
offences under Sections 376 and 498A/34 of the Indian Penal
Code.

Allegedly after the death of the husband of the
informant, the younger brother of the husband of the informant
established physical relationship with her and continued with
that for a year with an assurance that he will marry her.
Subsequently, he is said to have refused to marry her,
whereafter, the present First Information Report has been
registered.



Learned counsel for the petitioner, referring to the First Information Report, has submitted that no offence, under Section 376 of the Indian Penal Code, can be said to be made out, the physical relationship, if any, as alleged, being consensus in nature. He has also submitted that there is no question of an offence being constituted under Section 498A of the Indian Penal Code on the basis of what has been alleged in the First Information Report.

I find some force in the submissions so advanced on behalf of the petitioner.

This application is, accordingly, allowed. Let the petitioner, above named, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, Biharsharif**, in connection with **Mahila P.S. Case No. 34 of 2017 (G.R. No. 809 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 himself/herself before the police/Court, as the



case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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