

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46116 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -MAHILA P.S. District- MUZAFFARPUR

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1. Brajesh Tiwary, Son of Uday Tiwary, Resident of Village- Bher....riya,
P.S.- Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Mahila P.S.Case No. 38 of 2017 registered under Sections
376 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the ingredients of the offence punishable under
Section 376 of the Indian Penal Code are not attracted in the
present case. He submitted that the informant herself disclosed her
age to be 25 years and has admitted that she was having physical
relationship with the petitioner out of her own sweet will and since
the petitioner refused to marry her, the instant case has been
instituted. He submitted that such an allegation would not



constitute any offence.

On the other hand, learned counsel for the State submitted that the petitioner established physical relationship with the informant on the pretext of marriage but subsequently he refused to marry her.

Having regard to the nature of the offence alleged, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to 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 the learned A.C.J.M., Muzaffarpur in connection with Mahila P.S.Case No. 38 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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