

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58847 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -HATHAURI District- SAMASTIPUR

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Roushan Kumar, son of Ganesh Mandal, resident of village- Dahiar, P.S.-
Hathauri (Shivajingar O.P.), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the State : Mr. Arun Kumar Singh -5, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Hathauri (Shivajinagar O.P.) P.S. Case No.49 of 2017 registered
under Sections 376, 420 and 120B of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that it would be manifest from perusal of the FIR that the case has
been lodged against the petitioner in order to pressurize to
solemnize marriage with the informant. He submitted that even
otherwise the informant being matured enough to understand the
consequences herself admitted that she was having
relationship with the petitioner for the last five years and, thus, the
ingredients of the offence punishable under Section 376 of the



Indian Penal Code would not be attracted.

On the other hand, learned counsel for the State has submitted that from perusal of the FIR it would appear that the petitioner physically exploited the informant for five years on the false pretext of marriage.

Considering the nature of allegation and the pleas taken by the petitioner, in the event of arrest or surrender before the court below within six weeks from today, he 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 Additional Chief Judicial Magistrate-II, Rosera, Samastipur in connection with Hathauri (Shivajinagar O.P.) P.S. Case No.49 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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