

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43771 of 2018

Arising Out of PS.Case No. -88 Year- 2017 Thana -KHARIK District- BHAGALPUR

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1. Rahul Yadav S/o Dinesh Yadav, R/o Vill.- Ushmanpur (Chamru Das Tola), P.S.- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 366 and other allied Sections of the Indian Penal Code.

The petitioner is in jail custody since 08.11.2017.

The allegation is that the petitioner along with other co-accused took the informant's wife and forcibly established physical relation with her. The statement of victim has been recorded under Section 164 Cr.P.C. in which she stated that she was taken away by petitioner and co-accused to Bhagalpur and Patna and in that course, the petitioner and other co-accused established physical relation with her.



Submission of behalf of the petitioner is that the informant in collusion with his wife lodged this false case against the petitioner and others on account of enmity and moreover, even if the first information report and statement of victim assumed to be true, then also, the aforesaid statement of victim as well as first information report reflect that the victim was a consenting party.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge, Naugachia, District-Bhagalpur in connection with S.T. No.230 of 2018 arising out of Kharik P.S. Case No.88 of 2017.

(Hemant Kumar Srivastava, J)

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