

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66987 of 2018

Arising Out of PS. Case No.-66 Year-2018 Thana- MAHILA P.S. District- Patna

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Vishal Bharti Son of Late Ashok Kumar Resident of Mohalla-Kaushmung
Mention,Sheopuri,Beur Road P.S. Gardani Bagh,Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Kumari D/o of Shri Dwarika Prasad Resident of Mohalla-Laxmi
Enclave Apartment,Flat No.23,P.S. Gardanibagh,Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.N.P. Sinha, Adv
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Arvind Kumar Mouar, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 22-11-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner seeks bail in **Gardanibagh Mahila P.S.**

Case No. 66 of 2018 registered for the offence punishable under
Sections 376, 420/34 of the Indian Penal Code and Section 3/4
of the D.P. Act.

Informant has alleged in her written complaint that
her marriage was settled with the petitioner Vishal Bharti and
thereafter they started meeting and intimacy developed between
them and physical relation was also established. In the
meantime, the Aunty of the petitioner died and as such the date
of marriage could not be fixed and subsequently Informant



came to know that the family members of petitioner are settling marriage of petitioner somewhere else. Although Rs. 5,00,000/- in cash was paid by her parents and pressure is being mounted on the petitioner for his marriage. Lastly, it has been stated that physical relation between the Informant and petitioner is since-2015. From the written report, it appears that the physical relation even assuming to be true between the petitioner and Informant was consensual, informant is major and there is no allegation of intercourse with her without her consent or against her will or on threatening.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Judicial Magistrate-1st Class, Patna**, in connection with **Gardanibagh Mahila P.S. Case No. 66 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial



and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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