

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74182 of 2018

Arising Out of PS. Case No.-758 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Harivansh Jha, son of Sadanand Jha, resident of Village- Bhattachak, P.S.
Amdanda, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Most Manjan Devi, W/o Late Suvansh Jha, son of Ravindranath Jha, resident of Village- Bhatha Chak, P.S. Amdanda, District- Bhagalpur, at present Most. Manjan Devi, D/o Sri Ravindranath Jha, resident of Village- Ekdara, P.S. Budhchak, District Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dilip Kumar, Advocate
For the Opposite Party/s :	Mr. Rajendra Prasad Nat, APP
	Mr. Rajiv Ranjan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 12-12-2018 Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party

No.2.

Petitioner seeks bail in **Complaint Case No.758 of**
2017 instituted for the offence under Section(s) 376 Indian
Penal Code.

It is alleged in the Complaint Petition that after death
of husband of the Complainant this petitioner, who is Dewar of
the Complainant, established physical relationship with her on
assurance of performing marriage with her. The Complainant
became pregnant and with consent of the Complainant abortion



was done on 15.04.2010 and 30.03.2012. It is further alleged that Complainant again became pregnant because of such physical relationship. She refused for abortion and gave birth to a son on 03.01.2016 on the assurance that petitioner will perform marriage with her, but he refused to marry her. The petitioner performed his marriage with another lady in Jharkhand.

In this manner, from narration of the Complaint Petition, it appears that entire act was done with consent between informant and petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Bhagalpur**, in connection with **Complaint Case No.758 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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