

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72092 of 2018

Arising Out of PS. Case No.-140 Year-2018 Thana- MAHILA P.S. District- Patna

Mirtunjay Kumar son of Vijay Kumar Gupta, resident of Mohalla Bari Nagla,
P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-12-2018 Heard the learned counsel for the petitioner, the
informant and the learned A.P.P. for the State.

The petitioner seeks bail in Mahila P.S. Case No.
140/2018, instituted for offences under Sections 376, 420, 341,
342, 323 and 34 of the Indian Penal Code.

It is alleged in the written report that on the pretext of
performing marriage the petitioner used to establish physical
relationship with the informant since year 2013. Finally in the
year 2017 petitioner refused to perform marriage with her. The
informant also became pregnant on account of aforesaid
physical relationship.

Learned counsel for the petitioner has submitted that
victim has given her statement under Section 164 Cr.P.C.,
wherein she has stated that she was knowing this petitioner



since 2012. Both have established physical relationship on the pretext of marriage but marriage of the petitioner has been settled somewhere else. The victim girl has stated her age to be 20 years in her statement under Section 164 Cr.P.C. The court below has assessed the age of victim to be 20 years.

From the written report, it appears that physical relationship continued since 2013. The continuation of physical relationship for such long time cannot be without consent of both parties.

Petitioner is in custody since 23.09.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned J.M. 1st Class, Patna in connection with Mahila P.S. Case No. 140/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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