

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47859 of 2017

Arising Out of PS. Case No.-7 Year-2017 Thana- MAHILA P.S. District- Sitamarhi

Md. Dulare @ Nadim Son of Md. Halim, resident of Village- Dariyapur, P.S. Belsand, District Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar alias Sanidh
For the Opposite Party/s	:	Mr. SRI PARMESHWAR MEHTA
For Informant	:	Mr. Dinesh Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-01-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sitamarhi Mahila P.S. Case N0. 7 of 2017, disclosing offences under Sections 452,376,504/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that no offence can be said to be made out punishable under Section 376 of the Indian Penal Code, even if the allegations made in the First Information Report are taken to be true. The physical relationship established between the petitioner and the informant, if any, as alleged in the First Information Report is apparently consensual in nature not constituting any offence under Section 376 of the Indian Penal Code.

Nothing could be shown to the Court on the basis of



materials collected in course of investigation by the police from the case diary showing any illegal inducement or forcible sexual assault against the petitioner.

Considering the above, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 Chief Judicial Magistrate, Sitamarhi in Sitamarhi Mahila P.S. Case No. 7 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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