

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4379 of 2018

Arising Out of PS.Case No. -110 Year- 2017 Thana -BIRAUL District- DARBHANGA

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Birendra Kumar @ Birendra Yadav Son of Asharfi Yadav, Resident of
Village-Naudega, P.S.-Biraul, District-Darbhang.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in anticipation of his arrest
in connection with Biraul P.S. Case No. 110 of 2017 dated
28.03.2017 instituted for the offences under Sections 376 and 313
of the Indian Penal Code.

One Alisa Khatoon has lodged the subject FIR
alleging that she had met the petitioner in connection with a case
regarding rape upon her. After coming to know the petitioner, it
was alleged by the prosecutrix that on this initiative of the
petitioner, she started residing with him in his house as he also
was a widower. Thereafter, it has been alleged that she became
pregnant twice and was made to abort. Lastly, it has been alleged
by her that the petitioner asked her to go back to her parents' home
otherwise she would again become pregnant.



Learned counsel for the petitioner while canvassing for anticipatory bail of the petitioner, has submitted that a similar nature of case was lodged by her against some other person in which she has alleged that she was staying with somebody as his legally wedded wife. That apart, learned counsel for the petitioner has drawn the attention of this Court to the averments made in the FIR from which made it very clear that the prosecutrix voluntarily agreed to stay with the petitioner.

There is no allegation of any assurance of marriage by the petitioner.

Considering the nature of allegation and the other attendant facts, the petitioner above named is directed to be released in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 110 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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