

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46658 of 2018

Arising Out of PS.Case No. -42 Year- 2017 Thana -MAHILA PS District- GOPALGANJ

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1. Anup Ram, Son of Late Barister Ram, resident of Village- Surahiya, P.S.- Sidhwaliya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari, Daughter of Harishwar Ram, Wife of Anup Ram, resident of Village- Usari Bazar, P.S.- Baikunthpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-08-2018 Heard the parties.

Petitioner is apprehending his arrest in Gopalganj Mahila P.S.Case No.42 of 2017 registered for the offences under Sections 493, 376, 34 of I.P.C. and Sections 4, 6, 8 of POCSO Act.

Allegation against the petitioner is of committing rape upon the informant.

Submission of the learned counsel for the petitioner is that petitioner has performed marriage with the informant and they are living together. The petitioner has been falsely implicated in this case.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender before the court below and pray for regular bail and at the time of hearing the bail application, the court below with call upon the informant and the petitioner and he will verify whether they have married and, if it is so, he will pass an appropriate order, if possible, on the same day, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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