

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27627 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -MAHILA PS District- KATI HAR

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Bal Mukund Singh, Son of Bhola Prasad Singh, Resident of Muhalla-
Ramsar Quajowal Tatarpur, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-05-2018

Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with
Katihar Mahila P.S. Case No. 01 of 2018, registered for the
offences punishable under Section 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape
upon the victim lady, who is married, on the assurance of
marrying her.

Submission of learned counsel for the petitioner is that
the victim lady is major having eight years son also. Further
submission is that false and concocted case has been filed with an
intension to harass the petitioner and moreover if prosecution is
believed it is a case of consensual physical relationship as the
victim is major and petitioner is Army Personnel.



Heard learned APP and learned counsel for the informant. They have opposed the prayer for anticipatory bail stating that the victim lady is a divorcee and on the assurance of marriage she was subjected to rape.

Having heard both sides and in view of the fact that the petitioner is a Army Personnel and there is no chance of absconding, let the petitioner, above named, surrender within a period of six weeks from the receipt of this order and on his so surrendering he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Katihar Mahila P.S. Case No. 01 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and further condition is that one of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of court concerned and further condition is that petitioner has to co-operate in investigation otherwise his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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