

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25358 of 2018

Arising Out of PS. Case No.-169 Year-2017 Thana- ISUAPUR District- Saran

Shamim Ansari S/o Anwar Ali, R/o Vill.- Ramchaura, P.S.- Isuapur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-07-2018 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Isuapur P.S. Case No. 169 of 2017, registered for the offence punishable under Sections 341, 323, 504, 506, 376/34 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

The allegation is regarding the petitioner having enticed the informant of this case with the promise of marriage and thereby, established physical relationship with her since the past five years.

The learned counsel for the petitioner submits that since the petitioner is 25 years old and the present case being a case of consensual sex, the offence under Section 376 of the Indian



Penal Code shall not be made out as against the petitioner herein. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 28.02.2018.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Chapra, Saran in connection with Isuapur P.S. Case No. 169 of 2017.

(Mohit Kumar Shah, J)

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