

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61504 of 2017

Arising Out of PS.Case No. -279 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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Tinku Kumar @ Roushan Kumar, Son of Dasrath Mandal, Resident of
Purani Sarai, Police Station-Nathnagar, District-Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Nathnagar PS case no. 279 of 2017 registered
for the offences punishable under Section 376 of Indian Penal
Code.

The allegation against the petitioner is that the
petitioner had allured the victim girl on the pretext of marriage and
had also established physical relationship for a period of about 03
years whereafter, the petitioner is said to have refused to marry the
victim girl.

The learned counsel for the petitioner submits that
the petitioner has a clean antecedent, the victim girl is major and
her statement under Section 164 of Code of Criminal Procedure
would bear it out that she had a consensual physical relationship
with the petitioner for a period of about three years and only when



the terms in between the victim girl and the petitioner became inimical, the victim girl had resorted to the present case. It is further submitted that the petitioner is ready to join the investigation and trial.

Having regard to the facts and circumstances of the case, let the petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-1st, Bhagalpur in connection with Nathnagar PS case no. 279 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner would appear on each and every date before the learned court below and in case of two consecutive defaults, the present privilege of bail shall stand cancelled automatically and he would be taken into custody forthwith.

(Mohit Kumar Shah, J.)

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