

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36476 of 2018

Arising Out of PS. Case No.-212 Year-2018 Thana- KATIHAR District- Katihar

Mukesh Paswan son of Late Umesh Paswan resident of village Balthi Maheshpur, P.S. Kursela, District Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Katihar Town P.S. Case No. 212 of 2018 registered for offences under sections 376, 493, 306, 34 of the Indian Penal Code.

From the First Information Report, it appears that the allegation has been made against the petitioner of commission of sexual offence.

The statement made under Section 164 Cr.P.C. shows that the Complainant has entered into the consensual sex on the undertaking of marriage.

Learned counsel for the petitioner submits that the present case has been lodged with a sole purpose to arrest and to enter into marriage. Further submits that the petitioner is an employee of BSF and posted in Kashmir and had come to the village.



As per their case, the marriage was to be solemnized on 12.3.2018 and, on the previous day i.e. on 11.3.2018, it has been alleged that the petitioner entered into the sexual relationship. Learned counsel for the petitioner submits that it is completely an absurd statement as no one will involve in such activity on the previous day of marriage.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Mukesh Paswan, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 212 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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