

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35391 of 2018

Arising Out of PS.Case No. -289 Year- 2017 Thana -BABUBARHI District- MADHUBANI

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1. Bibhishan Kumar Raut @ Bibhishan Raut Son of Ram Vinay Raut
Resident of Village- Balanser P.S. Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Babubarhi P.S. Case No.289 of 2017, a case under Sections 376/323/504 of the Indian Penal Code, pending in the Court of learned Additional Chief Judicial Magistrate-II, Madhubani.

The petitioner was in physical relation with the informant on the pretext that petitioner would marry with the informant. Later on, the petitioner refused to marry and the FIR was lodged. Learned counsel for the petitioner submits that the petitioner is in custody since 01.04.2018. The matter is of consensual physical relation. Hence, offence under Section 376 of the Indian Penal Code is not made out.



In my view, the offence of cheating as defined under Section 415 Of the Indian Penal Code is apparently made out against the petitioner.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. Petitioner may renew the prayer for bail if the trial is not concluded within a year of his completion of custody provided that the petitioner shall be fully cooperative with the trial.

(Birendra Kumar, J)

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