

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13888 of 2018

Arising Out of PS.Case No. -396 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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1. Opi Yadav @ Upendra Yadav, son of Late Udho Yadav, Resident of Village- Sajua, P.S. Sajua (Hathiyok), District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 307/34 and 376 of the Indian Penal Code as well as Section 4 of the POCSO Act.

The allegation of attempt to commit murder of the informant is against the father of the informant Angad Das and grand-father of the informant Babu Lal Das. The allegation is for the reason that the informant is pregnant since last 5-6 months though she was not with her husband since last two years. During investigation it reveals that the informant was pregnant from this petitioner.

Submission is that even if the allegation is assumed



to be correct the informant was a consenting party so far physical relation with the petitioner is concerned.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sultanganj P.S. Case No.396 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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