IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46913 of 2018

Arising Out of PS.Case No. -137 Year- 2016 Thana -VISHNUPAD District- GAYA

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Utpal Mishra, son of Gopal Mishra, resident of Muhalla- Nai Sadak, Hanuman Gachhi, Behind Machhli Pathak, Police Station- Vishnu Pad, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahani, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 25-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in **Vishnu Pad P.S. Case No.137 of 2016** instituted for the offence under Section(s) 366 and 376 Indian Penal Code.

In the written report, it is alleged that the petitioner brought the informant (victim girl) at Patna on 16.09.2016 on the pretext of marrying her and established physical relationship with her. Thereafter, she fled away from there and reached to her family.

The victim girl has given her statement under Section 164 Cr.P.C. which is annexed as Annexure-2, wherein, she has stated that she had love affair with this petitioner. She was on talking term with petitioner. He brought her towards

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station and thereafter brought her to Patna and kept in the house of his cousin brother, Kundan Kumar, where he established physical relationship with her. The girl has stated her age as 18 years and Court has also assessed her age 18 years.

In such circumstances, the informant is major and even if allegation made against the petitioner of establishing physical relationship with the informant is taken to be correct, then it was done with her consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Vishnu Pad P.S. Case No.137 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Gaya,** subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if

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petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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