

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59027 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -MAHILA PS District- JEHANABAD

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1. Kundan Kumar @ Pintu Kumar, aged about 30 Years, S/o Anandi Chauhan, R/o Vill.- Araut, P.S.- Bena (Wena), District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with Jehanabad Mahila P.S. Case No. 18/2018 instituted for the offences under Sections 341, 323, 376 and 34 of the Indian Penal Code.

Allegation has been made against the petitioner that he made forceful established physical relationship with the victim but the police has submitted charge sheet for the offences under Sections 341, 323, 497 and 120(b)/34 of the Indian Penal Code. Recently, the Hon'ble Supreme Court has declared Section 497 of the Indian Penal Code as *ultra-vires* and other Sections are bailable. In such circumstances, there is nothing against the



petitioner for apprehending his arrest.

Looking to the facts and circumstances of the case, the anticipatory bail filed on behalf of the petitioner in connection with Jehanabad Mahila P.S. Case No. 18/2018 pending in the court of learned C.J.M., Jehanabad is dismissed as not maintainable.

Let the petitioner, above named be directed to surrender before the court below and pray for regular bail and the court below will pass an order on the same day on its own merit without being prejudiced by the order passed by this Court.

(Shivaji Pandey, J)

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