

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10939 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- NIRMALI District- Supaul

=====

BISHNUDEV PASWAN Son of Kusheshwar Paswan Resident of Nirmali ward no. 1, P.S.- Nirmali, Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Madhura Nand Jha

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-04-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Nirmali P.S.Case No.136 of 2018 , registered for offences punishable under Sections 341, 323, 312, 494, 506, 376/34 of the Indian Penal Code.

Allegation against the petitioner is that he had physical relationship with the informant on assurance of marriage and get her aborted three times and thereafter she married with the petitioner but she came to know that he is married from before.

Submission of the learned counsel for the petitioner is that the girl is major and the FIR itself shows that she was a consensual party as such no case is made out under Section



376 of the IPC and it appears to be a case of love affair between two adults.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri L.B. Prasad, J.M., Birpur (Supaul) in connection with Nirmali P.S.case No.136 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

