

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39186 of 2019**

Arising Out of PS. Case No.-50 Year-2019 Thana- SHAHKUND District- Bhagalpur

Saurav Kumar, Son of Balmiki Mandal, Resident of Village- Bhivrapur,
P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari, D/o Bilash Mandal, R/o Gorgama, P. s. Shahkund, District
Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 19-11-2019 This is an application for grant of anticipatory bail in

connection with Shahkund P. S. Case No. 50 of 2019, disclosing

offences under Sections 341, 323, 376, 120B, 34 of IPC.

As per F.I.R. petitioner has enticed the complainant
away and having physical relations with her. When they were
caught by his father and the petitioner assaulted her also.

Submission of the learned counsel for the petitioner is
that F.I.R. itself shows that she is a married lady and her age
about 19 years and as such, no case is made out under Section
376 of IPC. She was consenting party.

Heard learned A.P.P. as well as the learned counsel for
the opposite party no.2, who has opposed the prayer for
anticipatory bail on the ground that she was enticed by the
petitioner and thereafter, he is not marrying her.



Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M., Bhagalpur, in connection with Shahkund P. S. Case No. 50 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he has to co-operate in the investigation.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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

