

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47210 of 2019

Arising Out of PS. Case No.-84 Year-2018 Thana- MAHILA P.S. District- Siwan

VEERU PRAJA PATI @ BIRU PRAJAPATI S/o- Manager Praja Patai @
Mainejar Pandit Resident of Village- Markan, P.S.- Hussainganj, District-
Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 30-07-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Siwan Mahila P.S. Case No. 84 of 2018 for the offence
punishable under Sections 313/376/420/506/34 of the Indian
Penal Code.

It transpires from the First Information Report that
the informant was already married to someone else when it is
alleged that the petitioner established physical relationship with
her. In the complaint petition, which is the basis for registration
of the First Information Report, it is alleged that the informant
conceived out of such consensual relationship, which the
petitioner managed to get aborted.

Learned counsel appearing on behalf of the
petitioner has submitted that no offence under Section 376 of



the Indian Penal Code can be said to be made out in the absence of any allegation of inducement or use of force.

I find some substance in the submission so made on behalf of the petitioner. This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Siwan, in Siwan Mahila P.S. Case No. 84 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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