

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50373 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Nawada

SANDEEP KUMAR @ SANDEEP KUMAR KUSHWAHA (Male), aged about 27 years, son of Sarjan Prasad @ Sarjan Prasad Kushwaha, Resident of Village- Hasanpura, P.S.- Nawada Town (Kadirganj O.P.), District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Mahila P.S. Case No.02 of 2019, registered for the offence under Sections 376, 341, 323, 379, 504 and 506/34 of the Indian Penal Code.

As per the F.I.R., the informant was student of Class-VII in the year 2008, at that time, she used to visit the house of the petitioner for taking tuition. In that course, on allurement of marriage, the petitioner developed physical relationship with the informant. Later on, the petitioner was selected for Group-D post, but he was in touch with the informant and used to establish physical relationship with the



informant. It has also been alleged that when the father of the informant went at the house of the petitioner to fix the marriage of the informant with the petitioner, then the family members of the petitioner refused to perform the marriage.

Learned counsel for the petitioner submits that in fact the marriage has already been solemnized, but on certain reasons, dispute cropped up and whereafter the F.I.R. was lodged. He further submits that at present there is no dispute between the petitioner and the informant and they are living as husband and wife.

Looking to the aforesaid facts and circumstances of the case, let the above-named petitioner be released on provisional bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Nawada, in connection with Mahila P.S. case No. 02 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. This is also subject to the condition that the Court below will issue notice to the informant and if she comes forward and say that she is living with present petitioner as wife,



in such circumstance, the provisional bail granted to the petitioner will be confirmed otherwise, the relief granted to the petitioner will be treated to have been withdrawn.

(Shivaji Pandey, J)

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