

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53491 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- ADAPUR District- East Champaran

Md. Tufail @ Tufail Ahamad Son of Rasul Miya Resident of Village- Belwa,
P.S.- Adapur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma
For the Opposite Party : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Adapur P.S.Case No. 95 of 2019 registered under Sections 341,
323, 376, 504 and 506 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the ingredients of Section 376 of the Indian Penal
Code are completely missing in the instant case. From the FIR
itself it would be manifest that the victim is a divorcee. She is
major and out of her own sweet-will she established physical
relationship with the petitioner. The only grievance in the FIR
raised by the informant is that the petitioner is not marrying her
even though he had promised earlier in this regard.

Learned counsel for the State opposed the application



for grant of pre-arrest bail. However, he conceded that the informant is major and she had established physical relationship with the petitioner out of her own sweet-will.

Regard being had to the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Adapur P.S. Case No. 95 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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