

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76907 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- MAHILA P.S. District- Nalanda

Md. Sintu Son of Hasim, @ Md. Hasim, Resident of Village-Chak Sadak,
Police Station-Islampur, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Sri Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
05.09.2018 in connection with Mahila P.S. Case No.74 of 2018
registered for the offences punishable under Sections 504, 506/34,
376 of the Indian Penal Code.

Prosecution case as per the written report of Gul Akansha
Pravin submitted to Nalanda Mahila P.S. is to the effect that the
informant was in love with the petitioner since one year prior to
lodging of the case. During the said period, on the pretext of the
marriage with the informant, the petitioner used to establish physical
relationship with her and one day, both of them tried to run away for
getting married, but the parents of the petitioner assured her for
arrange marriage with the petitioner but on the next day, they got the
petitioner flee away and thereafter kept on denying for petitioner's
marriage with the informant.



It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 376 IPC is made out as the medical report suggests the age of the victim between 18-19 years. It is further submitted that the victim refused to get her medical examination done with regard to the factum of her physical relationship with the petitioner.

Learned counsel for the State submits that the acquisition is of establishing the physical relationship on the pretext of marriage. Learned counsel for the State submits that the informant is still ready to marry with the petitioner.

Considering the fact that the own admission of the informant that she was in love with the petitioner since one year prior to the lodging of the case and in pursuance to that, physical relation was established between the informant and the petitioner and medical report suggests the victim to be a major, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Mahila P.S. Case No.74 of 2018.

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(Dinesh Kumar Singh, J)

