

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61821 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- PARIHAR District- Sitamarhi

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MINTU KUMAR Son of Late Ram Ishawar Singh Resident of Village -
Shaurbhar, P.S.- Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rima Kumari Wife of Mintu Singh Resident of Village - Surgahiya, P.S.-
Parihar, Distt.- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 376, 313, 506/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons established physical relationship with the informant on the assurance of marriage.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.7.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been



submitted in the present case. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, the petitioner refused to marry with the victim and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that at best, it is a case of consensual sex. He has placed reliance of a case of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors.)***.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R..

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar, J.M. 1st, Sitamarhi in connection with Parihar P.S. Case No. 103/2019.

(Sudhir Singh, J)

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