

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78693 of 2018

Arising Out of PS. Case No.-433 Year-2018 Thana- KAHALGAON District- Bhagalpur

Md. Nabil Ahmad @ Md. Naquil Ahmad Son of Md. Wakil Resident of
Village-Mahesh Munda, Police Station Kahalgaon, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr.Pravin Kumar Sinha, Adv.
For the Opposite Party/s :		Mr.Sri Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-01-2019 This application, for grant of anticipatory bail, arises
out of Kahalgaon P.S. Case No. 433 of 2018, disclosing offences
under Sections 376 and 323 of the Indian Penal Code.

Allegation against the petitioner is of establishing
physical relationship with the informant on the promise of
marriage and when the informant asked the petitioner to marry
her, he refused to marry her and further she also has a child of
ten months.

Submission of learned counsel for the petitioner is
that the F.I.R. itself shows that she is the wife of another person.
Moreover, the informant is major and a consenting party and,
therefore, no offence under Section 376 of the Indian Penal
Code is made out against the petitioner.

Heard learned A.P.P. also.



Having heard both sides, considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaoon P.S. Case No. 433 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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