

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72422 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- MAHILA P.S. District- Nawada

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Mukesh Kumar, Son of Babulal Saw, Resident of Village-Jogachak, P.S.-
Kawakole, District-Nawada.

... .. Petitioner

Versus

1. The State Of Bihar
2. Anshu Kumari @ Anisha Kumari, daughter of Ramashish Prasad, resident
of village Shakhodeora, P.S. Kowakole, Dist. Nawada

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 11-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 7 of 2018, registered for the offences punishable under Sections 420, 376, 379, 506 and 34 of the Indian Penal Code.

Allegation against the petitioner is that on the pretext of marriage he committed rape upon the informant and taken away her ornaments.

Submission of learned counsel for the petitioner is that the materials collected during investigation clearly show that she is a major and she earlier married with another person and as a matter of fact a proposal was sent to the petitioner through brother-in-law of the informant and when he refused to marry her the present case has been lodged and, that too, after a delay of one month and even if the whole allegation is believed, the informant appears to be a



consensual party.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that on the pretext of marriage and providing job the petitioner has committed rape on her and as such the consent is no consent.

Having heard both sides and in the facts and circumstances, let petitioner, above named, in the event of arrest or surrender within a period of six weeks from the receipt of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Nawada, in connection with Mahila P.S.Case No. 7 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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