

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3144 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- GAIGHAT District- Muzaffarpur

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Uday Sahani S/o Shambhu Sahani Resident of Village- Ram Patti Godam,
P.S.- Gaighat, District- Muzaffarpur. Petitioner/s

Versus

The State of BiharOpposite Party

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Appearance

For the Petitioner : Mr. Chandra Shekhar Anand, Adv.

For the State : Mr. Md. Mushtaque Alam, APP.

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

4 27.05.2020

Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Gaighat P.S. Case no. 287 of 2019 registered under sections 376, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that on the date of occurrence, on the pretext of entering into marriage, the petitioner established physical relation with his daughter and on being caught, confessed that he was establishing physical relations for one and half years.



It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case by the informant. It is submitted that the statement of the 18 year old daughter of the informant was recorded under section 164 Cr.P.C which has been incorporated in the police case diary wherein she states that both she and the petitioner want to marry each other and had established physical relationship out of her own freewill. She further states that the case has been lodged by her father under some misunderstanding.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the statement of the daughter of the informant under section 164 Cr.P.C together with the fact that she is a major, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Gaighat P.S. Case no. 287 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 15-cum-Sub Judge 16, Muzaffarpur.

(Partha Sarthy, J)

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