

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5155 of 2020

Arising Out of PS. Case No.-1235 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Sanjay Kumar Mukhiya Son of Sri Virendra Mukhiya Resident of Village -
Gopipatti, P.S.- Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Savita Kumari Daughter of Jagdish Sahni Resident of Village - Lohagir,
P.S.- Ujiyarpur, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1235 of 2017/T.R. No. 2691/2019
registered for the offences punishable under Sections 376 and
506 of the Indian Penal Code.

Originally, Patori P.S. Case No. 482 of 2016 for the
offences punishable under Sections 493, 417, 420, 406, 506/34
of the Indian Penal Code was lodged but police after
investigation submitted final form showing insufficient
evidence. However, the complainant filed protest petition, which
was converted into complaint petition and, thereafter, after
inquiry, the learned court below took cognizance for the



offences punishable under Sections 376, 506/34.

The complaint petition goes to show that petitioner established physical relationship with informant, who was major at the time of alleged occurrence, on pretext of marriage. Furthermore, complaint petition goes to show that *Faldan* ceremony was also performed but, subsequently, petitioner refused to solemnized his marriage with complainant.

However, the facts of the complaint petition reflect that, perhaps, the complainant was a consenting party, therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 learned Additional Chief Judicial Magistrate V, Samastipur in Complaint Case No. 1235 of 2017/T.R. No. 2691/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

