

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71219 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- PATEPUR District- Vaishali

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ARUN KUMAR SAH Son of Shankar Sah Resident of Village - Kheshrahi,
P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2020 Heard both sides.

The petitioner seeks bail in Patepur P.S. Case No.214 of 2018 registered under Sections 376 and 315 of the Indian Penal Code.

The victim made allegation that the petitioner established physical relation with her on the pretext of marriage but when the victim conceived, the petitioner took her to hospital and got her aborted. The petitioner refused to marry with the victim.

The learned counsel for the petitioner submits that victim is a major girl. Victim voluntarily have sexual relation with the petitioner. No offence under Section 376 is made out.

Learned A.P.P. opposed the prayer for bail of the petitioner. It is submitted that victim was brought to hospital.



From perusal of para 51 of case diary, Shankar Mahto disclosed that the petitioner after getting the victim admitted in the hospital fled away but the doctor treated the victim and thereafter dropped her to her house.

It appears that victim is a major girl and victim was having relation with her own consent.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that the petitioner is in jail since 19.07.2019, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No.214 of 2018.

(Prabhat Kumar Jha, J)

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