

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51528 of 2023

Arising Out of PS. Case No.-968 Year-2022 Thana- CIVIL LINE District- Gaya

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Birendra Kumar Yadav @ Birendra Yadav S/O Ram Swaroop Yadav R/O
Village- Beladih, P.S- Bodhgaya (Cherki), Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 365, 376 of the Indian Penal Code.

3. As per the FIR, petitioner is alleged to have committed rape with the complainant.

4. It is submitted that earlier in the year 2004 the petitioner has solemnized marriage with the complainant in a temple against the will of parents of complainant and having three children, as a result of which two cases have lodged against the petitioner. It is further submitted that parents of complainant was not happy from the said marriage and as such, a Divorce case bearing M.T.S. No. 85 of 2005 had been filed in



the Court of Principal Judge, Family Court, Gaya who by order dated 04.07.2006 has dissolved the said marriage. It is next submitted that petitioner and complainant are husband and wife and at present residing in the same house. Now, the complainant is leading her conjugal life with the petitioner and she had filed a compromise petition in the Court of Judicial Magistrate Ist Class, Gaya on 10.01.2023.

5. Considering the facts aforesaid and the fact that matter has been compromised between the parties and both parties are living together in the same house as wife and husband, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Gaya in connection with Civil Line P.S. Case No. 968 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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