

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17625 of 2016

Arising Out of PS.Case No. -1755 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Mumtaz Son of Md. Salim resident of village- Bijalia, P.S.- Amour,
District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Misrat Khatoon daughter of Md. Sadir resident of village- Bijalia, P.S.-
Amour, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1755 of 2015 filed for the offences
punishable under Section 376 of the Indian Penal Code.

The prosecution case, in brief, is that petitioner
committed rape upon the complainant and when she started
weeping, he assured that he will marry her, if she will not disclose
about the occurrence to any one. The complainant having become
pregnant, requested the petitioner to marry her, but he not only
refused to marry her, but also tried to administer some medicine
for abortion. Petitioner is further alleged to have assaulted the

father of the complainant.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has committed no offence. It has further been submitted that there was previous enmity between the complainant and the petitioner's brother for which a counter case, bearing Complaint Case No. 1647 of 2015 has been filed by the brother of the petitioner. He further submitted that the matter was taken before the Panches of the village Panchayat, who had directed for DNA test, but she is not ready for the said test. He further submits that the matter has been investigated by the police and the police has also found the allegation against the petitioner to be untrue, as is evident from Annexure-4 to this petition. He further submits that the petitioner has no criminal antecedent and due to previous enmity petitioner has falsely been implicated in the aforesaid case.

However, learned A.P.P. for the State submits that the petitioner is named in the complaint case, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two

sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 1755 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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