

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2540 of 2015

Arising Out of PS.Case No. -494 Year- 2014 Thana -PURNEA SADAR District- PURNIA

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1. Mohammad Son of Md. Faiyaz Resident of village - Pokhariya, P.S.
Sadar (Muffasil), District - Purnia

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Sangita Sharma (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

7 08-10-2015 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel,

appearing for the informant.

Petitioner is languishing in jail custody since 06-12-

2014 in a case registered under Sections-376, 323, 120(B) of the

Indian Penal Code as well as Sections-3/4 of Dowry Prohibition

Act.

The present case has been lodged on the basis of

complaint petition, in which, the informant stated that 8 months

ago, the petitioner committed rape on her and later on, on the false

promise of marriage, he continued his physical relation with her as

a result of which, she became pregnant but the petitioner refused

to solemnize his marriage.

Learned counsel, appearing for petitioner submits that at paragraph-4 of the complaint petition, it has specifically, been pleaded that when the informant was, first time, ravished by the petitioner, the mother of the informant came there and informant narrated the entire incident to her but when the statement of mother of informant was recorded at paragraph-5 of the case diary, she stated that she came to know about the above-said incident, when the informant became pregnant of 7 months.

Learned counsel for the petitioner drew my attention towards Annexure-2 to this petition and submits that a Panchayati was held and in the aforesaid Panchayati, it came to light that the informant had illicit relation with one, Md. Shamim and due to the aforesaid illicit relation, she became pregnant.

Learned counsel, appearing for informant refuted the above-said submissions and submits that the informant had given birth to a child and almost all the witnesses have supported the prosecution case.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

in connection with Sadar P.S. Case No. 494 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Purnea.

(Hemant Kumar Srivastava, J)

A.K.V./-

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