

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26051 of 2015

Arising out of PS.Case No. -35 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR
Md. Ashfaque, son of Md. Amir, resident of village-Hajipur Nicha tola,
Police station-Katihar Mufassil, District-Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate.

For the Opposite Party : Mr. Raj Ballabh Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection with
Katihar Mufassil P.S. Case No. 35 of 2015 for the offences
instituted under Sections 376, 323 and 380/34 of the IPC.

The prosecution story, in brief, is that the petitioner Md.
Ashfaque raped upon the informant and on assurance to solemnize
marriage continued to establish physical relation. Panchayati was
convened but could not be materialized. It is further alleged that
she gave birth to a male child. The petitioner assaulted and took
Rs. 15,000/- and later on denied to marry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. It is further submitted

that Annexure-2 series is the petition made by the informant before the Superintendent of Police, prior to institution of the present case, making a similar allegation against the petitioner. Annexure-3 is the report which was submitted in pursuance to Annexure-2 by the police where the said allegations were found to be false against the petitioner. Thereafter, the informant filed a complaint case and on the basis of which the present F.I.R. was instituted under Section 156(3) Cr. P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Katihar Mufassil P.S. Case No. 35/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)