

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33562 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

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Sk. Amamul @ Amamul Shekh, son of late Gahawar
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. D.P. Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376/511 of the Indian Penal Code.

The prosecution case is that the informant was in love with the son of the petitioner and the informant performed love marriage with him which was opposed by his family members including the petitioner and, thereafter, the informant started residing separately. Subsequently, the informant claimed partition. It is lastly, alleged that the petitioner made an attempt to ravish the informant.

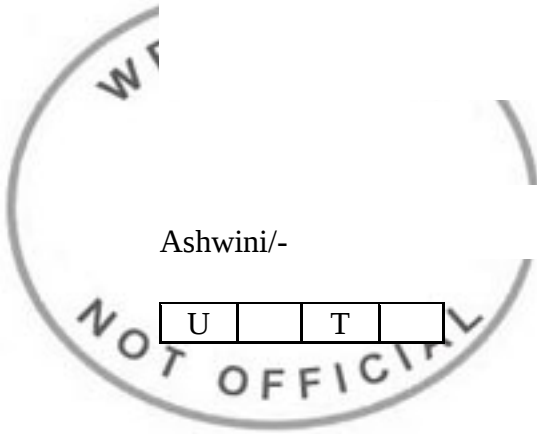
It is submitted by learned counsel for the petitioner that even assuming the accusation, the offence under sections 376/511 is not made out. In fact, the accusation has been levelled in the



background of opposing love marriage as well as claim of partition of the informant by the petitioner. The petitioner also filed Complaint Case No. 1110 C of 2015 on 22.05.2015 against the informant and others levelling accusation under sections 384, 385, 354, 323, 341, 452, 380, 504, 506/34 of the Indian Penal Code, wherein order of cognizance has not been passed. It is further submitted that the informant subsequently filed Complaint Case No.1321 C of 2015 on 16.06.2015 levelling accusation under sections 498A/34 of the Indian Penal Code against the entire in-laws family including her husband wherein she stated about settlement of earlier dispute including the present case and she started residing in her in-laws house. Though in the said case still the order of cognizance has not been passed. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation levelled in the background of strained relationship between the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Purshottampur P.S. Case

No.18 of 2015, subject to the conditions as laid down under
Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)