

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52354 of 2015

Arising Out of PS.Case No. -285 Year- 2009 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Jumrati S/o Late Sahim Baitha resident of Village - Rahamatpur,
Mahsaili, P.S. - Bounsi, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nisrat D/o Kalim Baitha resident of Village - Rupaili P.S. & District
- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Gajendra Prasad Yadav (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-12-2015

Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in complaint
case No. 285C/2009 for the offence under section 376 of the
Indian Penal Code.

The allegation made in the complaint case is that
Jumrati who is brother of accused Safid used to live in his
matrimonial home after marriage with accused Bibi Rukashna,
also used to live with his brother Safid and where he earned his
livelihood as a labourer. It is further stated that on the alleged
date and time of occurrence, Md. Jumrati came in the courtyard of
the complainant while none was in the house and started to talk
and tried to establish physical relation. When she tried to raise
alarm then he closed her mouth and promised for marriage and

established physical relation with her but she did not convey to any person.

It has been stated by the counsel for the petitioner that no case under section 376 I.P.C. is made out because the date of occurrence is 06.7.2008 and the complaint is filed on 25.1.2009. It appears that the complainant was the consenting party. He has further been submitted that the petitioner has been falsely dragged in the aforesaid case to put pressure for marriage and on refusal the said case been falsely lodged by the complainant through the daughter.

Under such circumstances, let the above named petitioner in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate Araria in Complaint Case No. 285C/2009, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Nilu Agrawal, J)

M.Rahman/-

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