

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31018 of 2014

Arising Out of PS.Case No. -130 Year- 2013 Thana -JALE District- DARBHANGA

Mohammad Hussain, S/o Mohammed Ashraf resident of village - Chhoti Mahuli, Police Station - Jale, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Hirday Pd. Singh (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-01-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Jale P.S. Case No. 130 of 2013 arising out of Complaint Case No. 1829 of 2013 registered for the offences punishable under Sections 376 and 506/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the present case has been lodged by the Complainant only with a view to force the petitioner to marry with the victim. It is further submitted that the allegation, as made out in the complaint petition, clearly reveals that this is a case of



committing rape on the allurements of marriage. It is further submitted that father of the petitioner had also filed a case against the father of the victim since there was dispute between them regarding the lands lying between their houses. The present case has been instituted to *wreak vengeance* and to force him for fulfillment of illegal demands. It is further submitted that no specific date of the occurrence has been assigned and it cannot be a case where the petitioner can be implicated on the facts and circumstances of the case, as stated in the complaint petition, which seems to be quite improbable.

Considering the aforesaid submissions and also the fact that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Jale P.S. Case No. 130 of 2013, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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