

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.800 of 2015

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Jamil @ Md. Jamil, S/O- Late Md. Ilyas, resident of Village- Ghurna, P.S.-
Kochadhaman, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate.

For the Opposite Party : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 196 of 2014 for the offences instituted under Sections 376, 341,323 and 325/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that one Md. Jamil made physical relation with elder sister of the informant, Anzera Khatoon on allurement of marriage and consequently she became pregnant. He remained reluctant for marriage and then claimed that the pregnancy is not due to him. On 11.08.2014, the petitioner and Nasir came to her house and started beating Anzera Khatoon and threatened not to disclose the fact to anyone. The sister of the informant got injuries on head and body. Later, on 24.08.2014,

Anzera Khatoon gave birth to a baby child in Sadar Hospital, Kishanganj, but she became serious after giving birth to the baby and the doctors referred her to M.G.M. Medical College, Kishanganj from where she was again referred to Siliguri. Her mother and maternal uncle have taken her to Siliguri and due to “Loklaj” no complaint was lodged by her.

It has been submitted on behalf of the petitioner that from perusal of the F.I.R., it appears that on assurance of marriage, the petitioner established physical relationship with the sister of the informant and ultimately she gave birth to a child. It is submitted that though the said allegation made by the informant is false and fabricated. It has further been submitted that though the occurrence is said to have taken place on 11.08.2014 but the F.I.R. has been instituted on 24.08.2014. The prosecution has not given any explanation for the said delay. It is further submitted on behalf of the petitioner that the period of his physical relationship has also not been disclosed by the prosecution.

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

Considering the fact that the F.I.R. has been instituted after a reasonable delay, let the above named, petitioner, 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 Kochadhaman P.S. Case No. 196 of 2014 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. Kishanganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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