

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20599 of 2015

Arising Out of PS.Case No. -432 Year- 2011 Thana -COMPLAINT CASE District- BANKA

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1. Md. Jibrail S/o Late Md. Nizam Resident of village - Nayatola Islampur,
Police Station - Amarpur, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Juli Khatoon D/o Md. Karim Resident of village - Nayatola, Islampur,
Police Station - Amarpur, District - Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 The petitioner is apprehending his arrest in connection

with complaint case No. 432/2011 for the offence under section

376, 323, 420 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the

complainant's Sagayee was solemnized in presence of Panches
and on the pretext of marriage the petitioner used to come at her
home and used to commit sexual forcibly with her. Thereafter, on
31.03.2011 at 9.00 PM the matter was brought to the knowledge
of the family members of the petitioner and asked to fix the date of
the marriage on which they became aggressive and started abusing
and demanded Rs. 50,000/- cash and one color T.V. The witnesses

assembled and witnessed the occurrence.

It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Further, it has been submitted that initially the case was instituted for an offence under section 376, 323, 420 of the IPC and Section 4 of Dowry Prohibition Act but subsequently cognizance has been taken under section 376 only. As per allegation made in the complaint petition, it has been submitted that the engagement of the petitioner was made with the complainant and after a year the petitioner had refused to marry the complainant and during the said period he had established physical relationship with the complainant. It has been submitted on behalf of the petitioner that petitioner has been falsely implicated in the present case and there is absolutely no proof to show that any such engagement had ever taken place between the petitioner and the complainant nor there is anything to prove any physical relationship between the petitioner and complainant. It has further been submitted that complainant wanted to marry the petitioner and on refusal, for putting pressure upon the petitioner the present complaint has been brought into motion.

On behalf of the State it has been submitted that the petitioner is named in the complaint petition.

Considering the aforesaid facts, let the above named

petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub- Divisional Judicial Magistrate, Banka in connection with complaint case No. 432/2011, subject to condition as laid down under section 438(2) of the Cr. P.C.

(Sudhir Singh, J)

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