

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13791 of 2015**

Arising Out of PS.Case No. -1247 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-  
KATIHAR

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RUKUM, SON OF LALU MOHAMMAD, RESIDENT OF VILLAGE  
MOHANPUR, POLICE STATION -BARSOI, DISTRICT -KATIHAR.

.... .... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR.  
2. TOTO KHATOON @ MANWARI KHATOON, D/O JAIMUL HAQUE  
RESIDENT OF VILL. - MOHANPUR, P.S. - BARSOI, DISTT. -  
KATIHAR. (COMPLAINANT).

.... .... OPPOSITE PARTY/S

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**Appearance :**

For the Petitioner/s : Mr. Md. Qumrul Hoda  
For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**  
ORAL ORDER

2      20-05-2015                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
  
Complaint (Protest Petition) Case No. 1247 of 2013 arising out of  
  
Barsoi P.S. Case No. 19 of 2013 registered under Section 376 of  
  
the Indian Penal Code.

Learned counsel for the petitioner submits that on the  
  
basis of Complaint Case No. 3246 of 2012 filed on behalf of the  
  
opposite party no. 2 in the court of learned Chief Judicial  
  
Magistrate, Katihar on 03.12.2012 regarding the occurrence of  
  
rape from Ist week of June, 2012 to 15.07.2012, Barsoi P.S. Case

No. 19 of 2013 was instituted under Section 376 of the Indian Penal Code against the petitioner, in which, police after investigation submitted the final form finding the case untrue. Thereafter, on the basis of protest petition, Complaint Case No. 1247 of 2013 has been proceeded wherein petitioner has been summoned. It is further submitted that it would appear from the S.A. of the complaint case, opposite party no. 2 was the consented party.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaithar, in connection with Complaint (Protest Petition) Case No. 1247 of 2013 arising out of Barsoi P.S. Case No. 19 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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