

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40443 of 2014

Arising Out of PS.Case No. -62 Year- 2013 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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1. Sarfuddin Mian Son of Late Fate Mian Resident of Village-Pipra Nauka
Tola, P.S.-Sahodara, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Dr. Kr. Uday Pratap(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2. 25-03-2015. Heard both sides.

Petitioner apprehends his arrest in a case under section
376 and other sections of the I.P.C.

The informant filed a complaint case bearing Complaint
Case No.1988 of 2013 and on the basis of which, the present
F.I.R. was lodged. She alleged that the petitioner established
physical relation with her for the last seven days. The petitioner is
said have threatened the prosecutrix to kill her husband and her
children, if she did not live with the petitioner. The informant
also gave Rs.65000/- to the petitioner when the husband of the
informant came to house and went to the house of the petitioner.

Learned counsel for the petitioner submits that the
entire allegation is false and concocted. The true facts are that
Chhotelal Mahto, the husband of the informant took money from
the petitioner for selling a piece of land but the husband of the
informant executed a deed of acceptance to return the money on
28.10.2011.

Considering the entire facts, I find that the informant is a married lady and she had got many children and also stated in the complaint petition that the petitioner had established physical relation for the last seven years.

It appears that the husband of the informant had taken money from the petitioner for executing a sale deed but the husband of the informant executed the sale deed in favour of other person.

Considering the facts aforesaid, the petitioner, named above, in the event of his arrest/surrender before the court below within four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 the Chief Judicial Magistrate, Bettiah, West Champaran in connection with Sahodara P.S.Case No.62 of 2013, subject to condition laid down u/s 438(2) Cr.P.C.

(Prabhat Kumar Jha, J.)

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