

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42018 of 2014

Arising Out of PS.Case No. -18 Year- 2014 Thana -RAUTA District- PURNIA

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1. Equbal S/o Abdul Barik Resident of village Patalwa, P.S. Kishanganj,
District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman

For the Opposite Party/s : Mr. Rajendra Singh Shastri Ji(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

Petitioner apprehends arrest in a case registered for the
offences punishable under Sections 376,313 ,315, 120B of the
Indian Penal Code.

Petitioner is the brother of co-accused Md. Babul. It is
alleged that the said Md. Babul committed rape upon informant on
2.3.2010 and, thereafter, with an assurance that he would marry
her, he kept on committing upon her thereafter, regularly.

Learned counsel for the petitioner submits that even if the
prosecution story is taken as correct for the sake of argument, no
offence under Section 376 of the Indian Penal Code is made out
against this petitioner and there is clear element of consent by the

complainant also. He further submits that inordinate delay of nearly four years after the alleged date of occurrence raises serious suspicion over the correctness of the prosecution story.

In the facts and circumstances of the case, let the petitioner above named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Purnea in connection with Rouda P.S. Case No. 18 of 2014 (G.R. No. 1044 of 2014) Complaint Case No. 306 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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