

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24330 of 2016

Arising Out of PS.Case No. -151 Year- 2015 Thana -NANHPUR District- SITAMARHI

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Md.Saukat @ Md. Shaukat, Son of Md. Ali Imam, Resident of Village-
Pokhraise, PS Nanpur, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Ghazala Shaheen, D/o Md. Asghar Ali Resident of Village- Raipur PS
Nanpur, District Sitamarhi.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioner apprehends his arrest in Nanpur P.S.
Case No. 151 of 2015 registered for the offences punishable under
Sections 363, 366A, 376 and 120 of the Indian Penal Code.

The informant filed the Complaint Case No. 16 of 2015
on 30.04.2015 alleging therein that Md. Aftab happens to be
brother of her brother-in-law. The marriage of Md. Aftab was
settled with her, but Md. Aftab later on refused to marry stating
that his parents do not agree to marry him with her due to non
fulfillment of demand of dowry. Md. Aftab disclosed that he will
marry with the informant against the will of his parents. It is
alleged that Md. Aftab called her on 12.12.2014 to Mahuagachi



where accused no. 4, the petitioner was marketing. It is alleged that both accused no. 1 and 4 took her to Mumbai and kept her in a room. Both the accused are alleged to have committed rape with her. She became pregnant, but the accused persons got her aborted. The informant knew that both the accused persons were trying to sell her, the informant fled away on 27.12.2014 and came to her house.

Learned counsel for the petitioner submits that from the contents of the complaint petition on the basis of which the FIR is lodged itself appears absurd story as the informant alleged that she was taken to Mumbai on 12.12.2014 and she also became pregnant, although she remained there only for 15 days. It is further submitted that the informant and accused no. 1 to 3 are co-villager and the petitioner has no manner of concern with the informant and Md. Aftab. It has also been submitted that Md. Aftab came to Mumbai with the girl where the petitioner runs a manufacturing factory of handbag and that is why the petitioner has also been implicated in the case when the marriage of the informant with Md. Aftab was broken. The victim appears to be a major girl. No explanation is given that why the complaint case was filed after four months of the occurrence when the informant returned on 27.12.2014 itself.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of 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) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in Nanpur P.S. Case No. 151 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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