

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44373 of 2015

Arising Out of PS.Case No. -259 Year- 2014 Thana -AMARPUR District- BANKA

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Rahmatulla @ Md. Rahmatulla @ Md. Rahmat, S/o Hayatatulla, Resident
of village- Dumrama, Police Station- Amarpur, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner as well as the

learned Additional Public Prosecutor for the State and the learned

counsel for the informant.

There is allegation against the petitioner that in the
night of 08.08.2014, he having entered into the house of the
informant committed rape on her. Admittedly, the present case
was lodged on 28.08.2014 that is after 20 days of the alleged
occurrence. The explanation regarding the aforesaid delay has
been given in the written report of the informant to this effect that
at the time of alleged occurrence the husband of the informant was
at Pune and when having got information of the occurrence he
returned to his home after five days of the occurrence, he
approached the Panches and the Panches of the village directed the
petitioner to solemnize his marriage with the informant as her

husband had already divorced her and thereafter the present case was lodged.

The contention on behalf of the petitioner is that the informant was a consenting party and as a matter of fact there was illicit relations between the petitioner and the informant and when the aforesaid relation came to notice of informant's husband, he divorced the informant and thereafter informant pressurized the petitioner to solemnize marriage with her and when the petitioner refused to buckle upon the pressure of the informant, the informant lodged this case. Learned counsel for the petitioner drew my attention towards the findings of the Panches annexed with the first information report.

Considering the facts aforesaid as well as submissions of the parties and also taking note of this fact that the informant was major at the time of alleged occurrence, the petitioner above named 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 learned Chief Judicial Magistrate, Banka in Amarpur P.S. Case No. 259 of 2014.

(Hemant Kumar Srivastava, J.)

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