

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1111 of 2016

Arising Out of PS.Case No. -79 Year- 2014 Thana -RAJNAGAR District- MADHUBANI

Sita Ram Singh Son of Ramprit Singh, resident of Village- Balha, P.S.- Raj Nagar, District- Madhubani.

.... Petitioners

Versus

1. The State of Bihar null null
2. Amarkant Jha Son of Late Chaturbhuj Jha, resident of Village- Balha, P.S.- Raj Nagar, District- Madhubani.

.... Opposite Parties

Appearance :

For the Petitioner : M/s Vikram Deo Singh and
Gagan Deo Yadav, Advocates
For the State : Mr. Uday Pratap Singh (APP)

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 13-01-2016 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offences punishable under sections 342, 323, 379, 364, 366, 376, and 34 of the Indian Penal Code, however, after investigation chargesheet has been submitted under sections 498A and 504/34 of the Indian Penal Code.

A complaint case bearing Complaint Case No. 572 of 2014 was filed by the complainant Mafti Kumari alias Chanchal which was sent to the police for investigation on which Raj Nagar Police Station Case No. 79 of 2014 has been registered. As per the allegation, the petitioner



kidnapped the complainant/informant on 21.12.2013 and raped her several times and under threat she had signed on a plain paper which has been given to the petitioner. Thereafter, on 13.05.2014 the petitioner had allegedly assaulted and kept her under confinement in a room, from where she fled away and reached her home and, thereafter, the complaint case has been filed.

Learned counsel for the petitioner has submitted that in fact, the informant was working in the school of the petitioner where love affair developed between them. As a result, at the instigation of the informant/complainant, the petitioner took her away and started living together as husband and wife, though this is a fact that the petitioner was already married. Thereafter, a case of kidnapping bearing Raj Nagar Police Station Case No. 21 of 2014 was lodged by the father of the informant/complainant in which the girl was recovered by the police and the police had produced her before the Magistrate where her statement under section 164 of the Code of Criminal Procedure was recorded, a copy of which has been appended as Annexure 3. She has stated in her statement in clear terms that she was the person who compelled the petitioner to marry with her



otherwise she threatened to commit suicide and, thereafter, they eloped and started living together. She has stated in the statement that she married the petitioner in Ugranath Mahadev Temple, Bhawanipur, Pandaul, District Madhubani and, thereafter, before the Registrar(Marriage) and since then both were living together as husband and wife and lastly, she expressed her desire to live with the petitioner.

In the present matter, though the case was registered under other sections including section 376 of the Indian Penal Code but chargesheet has been submitted under sections 498A and 504/34 of the Indian Penal Code and cognizance of the offence has been taken under the aforesaid sections.

It is contended on behalf of the petitioner that in view of such statement made by the informant under section 164 of the Code of Criminal Procedure, the allegations by narrating the facts otherwise go to show that her statement is unbelievable.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Sita Ram Singh, be released on bail in the event of arrest/surrender

before the court below within a period of six weeks from today in Raj Nagar Police Station Case No. 79 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

SC/-

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