

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16896 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -FORBESGANJ District- ARRARIA

Md. Ezaz @ Md. Ezaz Hussain, Son of Md. Sazzad Hussain

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan

For the Opposite Party/s : Mr. Ram Chandra Sahani(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 21-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 376 and 120B/34 of the Indian Penal Code.

The prosecution case is that the informant was starting working as a domestic help in the house of the petitioner, who is a Custom Officer posted at Araria on 25th of October, 2015 when the petitioner ravished the informant and conveyed that he paid rupees ten thousand to the landlord of the informant for the said purpose. When the informant refused to work she was assaulted by the landlord and the petitioner when she resumed the work on 8th of October, 2015. Subsequently the landlord tried to drive her out from his house, abused and

assaulted her, consequently the FIR has been lodged.

It is submitted by learned counsel for the petitioner that for the initial occurrence of 25th October, 2015 the written report was submitted to the District Magistrate which does not bear any date but ultimately it was registered a false case on 09.01.2016. The petitioner is the Custom Officer and posted at Araria and is tenant of Md. Tufani. Since the informant has petty dispute with the landlord and the landlady co-accused Munni Khatoon lodged a case against the informant being Forbesgang P.S. Case No. 673 of 2015 on 25.11.2015 levelling accusation under Sections 447, 448, 341, 323, 354, 380, 379 and 506/34 of the Indian Penal Code, hence, the present case has been lodged and the petitioner has falsely been implicated. The written report does not suggest that the informant was ever medically examined. The border area of Araria and other adjoining places are notorious for lodging frivolous cases under Section 376 IPC. The informant is aged about 58 years having several children.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed lodging of the case, the accusation not being corroborated with any medical

opinion and the written report suggest that there was some tenancy dispute between the informant and the landlady, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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