

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44276 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -PARIHAR District- SITAMARHI

1. Md. Arman son of Abdul Rahim, Resident of village- Sutihara, Muslim Tola, P.S. Parihar, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 26-02-2016 Heard learned Senior counsel Mr. Bibhuti Pandey, appearing on behalf of the petitioner, Mr. Ashhar Mustafa, learned counsel appearing on behalf of the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Parihar P.S.Case No. 118 of 2015 registered for offences punishable under Sections 376 and 506 of the Indian Penal Code.

The prosecution case lodged on the basis of written application of one Farzana Khatoon before the police on 03.7.2015 alleging that she is 20 years old. It is alleged that on the pretext of marriage the petitioner was established physical relationship since last 19 months but ultimately he refused to marry with her and when panchayat had been called but he refused to participate in

the panchayat.

Learned counsel for the petitioner submits that the petitioner is a man of clean antecedent as is evident from para-3 of this petition.

However, learned counsel for the informant points out that the petitioner is an accused in large number of cases and a counter affidavit to the said effect has been filed. Learned counsel for the petitioner has also filed a second supplementary affidavit stating therein that there is some case pending against him, for which the learned counsel for the petitioner tenders apology.

Since this fact has not been brought before the learned Court below, hence, petitioner is at liberty to apply for bail bringing to the notice of the learned District and Sessions Judge, Sitamarhi the fresh facts regarding Parhihar P. S. Case No. 118 of 2015, who will hear the matter on its own merit.

This application is, accordingly disposed of.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--