

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30153 of 2016

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

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1. Md. Aftab @ Md. Aftab Alam son of Md. Sadre Alam, R/o village-
Raipur,P.S.- Nanpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 09-09-2016

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 120B of the Indian Penal
Code.

The informant filed a complaint petition on the basis of
which the present FIR has been lodged. The informant alleged that
the petitioner happens to be brother of her brother-in-law. The
marriage of the petitioner was settled with her, but Md. Aftab later
on refused to marry with the informant stating that his parents did
not agree to marry him with her due to non-fulfillment of demand
of dowry. Md. Aftab, the petitioner assured that he will marry with
the informant against the will of his parents. The petitioner called

her in Mahuagachi on 12.12.2014 where Md. Saukat was present and both the accused persons took her to Mumbai and kept her in a room and committed rape with her one by one. She became pregnant but the accused persons got her aborted. The informant knew that both the accused persons were trying to sell her, she fled away on 27.12.2014 and came to her house.

Learned counsel for the petitioner submits that the allegation against the petitioner is false and fabricated. The informant filed the case only to put pressure so that the petitioner may marry with her. The informant alleged that on 12.12.2014 she was taken to Mumbai and she became pregnant and she got aborted. This allegation appears to be absurd. Similarly situated co-accused Md. Saukat has already been granted anticipatory bail vide order passed in Cr. Misc. No. 24330/2016.

Learned Additional P.P. as well as the learned counsel for the informant vehemently opposed the prayer for bail.

It appears that the victim is a major girl. She alleged that she went to Mumbai on 12.12.2014, but she returned on 27.12.2014 to her house and she alleged that she became pregnant on account of rape committed by the petitioner and Md. Saukat. This allegation on the face appears to be not worth reliable. The victim is a major girl and she appears to be a consenting party.

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 learned Chief Judicial Magistrate, Sitamarhi in connection with 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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