

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52300 of 2015

Arising out of PS.Case No. -67 Year- 2015 Thana -PRANPUR District- KATIHAR

Belal Hussain, S/o Maozibur Rahman, R/o Village- Ganga Nagar, P.S.-
Pranpur, District- Katihar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Chesnara Khatoon D/o Md. Ismail, Resident of Village- Ganga Nagar,
P.S.- Pranpur, District- Katihar.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Bal Krishna Mishra, Advocate.
For the State : Mr. A.A.Khan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Pranpur P.S. Case No. 67 of 2015 for the offences instituted
under Sections 376 of the IPC and 3 of the D.P.Act.

The prosecution story, in brief, is that on the alleged date
of occurrence at 11.00 P.M. while the complainant was sleeping
inside her house, petitioner Belal Hussain entered her room,
caught hold of her, undressed her and committed rape on her. It is
further alleged that when the complainant tried to raise hulla, said
accused gagged her mouth by *Gamchha* and pointing dagger
threatened her not to disclose the incident. The accused Belal is

further alleged to have committed rape on complainant on 25.06.2015 at night. On hulla raised by the complainant some persons rushed at the spot and caught the accused Belal, but he fled away by pushing them back. However, a village panchaitee was held and in the panchayat it was decided that the accused Belal would marry the Complainant. On the approach of marriage the accused persons demanded Rs.2/- lacs in dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The alleged date of occurrence is 11.06.2015 and 25.06.2015 as per the complaint petition and the complaint petition was filed on 01.07.2015. There is no explanation in respect to delay in filing the complaint petition. From perusal of the case diary, it appears that there is no medical examination of the victim in support of the allegations made in the complaint. It is not only the petitioner has been made accused in the present case but the family members of the petitioner have also been made accused.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of his arrest or surrender before the learned court below within a period

of six weeks from today in connection with Pranpur P.S. Case No. 67/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st, Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)