

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54599 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -AMAUUR District- PURNIA

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Md. Rabban, Son of Md. Wasik Rahmani, Resident of Village - Hakka Dhar
Tola, Police Station - Amour, District - Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Saghir Ahmad, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 11-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Amour P.S. Case No. 136 of 2015 for the offences instituted
under Sections 457, 376, 143, 148, 149, 323, 380 and 225 of the
Indian Penal Code.

This case has been registered on the basis of a
complaint petition in which the complainant has alleged that on
04.06.2015 she was sleeping in her house with her children after
taking dinner. At about 11.30 P.M. accused Md. Rabban entered
into her room and on the point of knife threatened her and forcibly
committed rape on the complainant after putting cloth into her
mouth and threatening her that if she raise alarm, he will kill her

along with her children. Then she became fearful and the accused committed rape upon her but as and when she found a chance, she raised alarm on which neighbour came and caught hold the petitioner, who disclosed his name Md. Rabban.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. From perusal of the Complaint Case/First Information Report, it is evident that the date of occurrence is 04.06.2015 but the said complaint case was filed on 24.07.2015 which was later on converted into First Information Report under Section 156(3) of the Code of Criminal Procedure. No explanation in respect to delay has been made by the prosecution. From perusal of the case diary, it appears that there is no medical examination report to support the allegations made in the complaint case. From perusal of para 14 of the case diary, it is evident that the petitioner has falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the Complaint/First Information Report.

Considering the aforesaid facts and circumstances, let the petitioner 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 Amour P.S. Case No.

136 of 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 Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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