

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37824 of 2016

Arising Out of PS.Case No. -190 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

1. Md. Kalim Rain S/o late Chulai Ram
2. Md. Jamshed S/o Md Kalim Rain Both are Resident of Village- Jhalari,
P.S. Akbarpur, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Informant : Mr. Pawan Kumar, Advocate.

For the State : Mr. Satyadev Prasad Singh, APP

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 17-09-2016 I have heard learned counsel for the petitioners, learned
counsel for the State and the learned counsel for the informant.

The petitioners apprehend their arrest in a case registered
for offences punishable under Sections 366,376,323,504 and
120/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioners happen to be the father and uncle of Md. Shemsher.
Admittedly, the informant was having love affair with Md.
Shemsher. However, in 164 Cr.P.C statement, she has stated that
she was married with Mohsim at the behest of the 'Panch'. After
marriage, she came to Saharanpur was leading a married life,
however, Md. Shemsher also came there and told 'Mohsim' that

the informant is his wife. Then she was thrown out from Saharanpur also. Then she has filed the present case.

It is contended that there is difference between the allegation made in the FIR and the statement of the victim recorded under Section 164 Cr.P.C. So far as petitioners are concerned, there is no allegation except that they happen to be the father and uncle of co-accused Md. Shemsher and they do not like the informant.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail in the event of arrest/surrender before the Court below within a period of six weeks from today in Bihariganj P.S. Case No. 190 of 2015, on furnishing bail bond of Rs. 10,000/-(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishunganj at Madhepura subject to the conditions as laid down under Section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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