

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13140 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA PS District- KATIHAR

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Md. Ziaul Haque Son of Md. Jamshed, Resident of Village Bramain
(Kolhan), Police Station Azam Nagar, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate

For the Opposite Party : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-04-2016 A vakalatnama has been filed on behalf of the informant,

which is kept on record.

Heard learned counsel for the petitioner, learned counsel
for the informant as well as learned counsel for the State.

The informant claims that in the night of 22.07.2015, the
petitioner committed rape upon the informant but admittedly, the
present case was lodged on 26.07.2015 and explanation regarding
the aforesaid delay was given by the informant in her written
statement stating therein that due to assurance given by the
Mukhiya and Sarpanch, she could not lodge the case.

Contention on behalf of the petitioner is that the
petitioner filed Complaint case bearing Complaint Case No.2013
of 2015 on 25.07.2015 against the informant and her other family

members and in retaliation to the aforesaid complaint case, the informant lodged this false case. It is further submitted that the informant appears to be a lady of questionable character and her sister-in-law had filed Miscellaneous Application bearing Miscellaneous Application No.2645 of 2014 in the court of CJM, Katihar much prior to the alleged occurrence raising question mark regarding her character.

Learned counsel appearing for the informant opposed the prayer submitting that the explanation regarding the delay in lodging the first information report has sufficiently been given in the written report.

Considering the aforesaid facts and circumstances as well as submission on behalf of the parties, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, Katihar in Katihar Mahila P.S.Case No.35 of 2015.

(Hemant Kumar Srivastava, J)

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