

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18794 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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Md. Talib S/o Md. Kalam, Resident of Village - Jhhowari, P.S. and District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-06-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Mahila P.S. Case No. 44 of 2015 registered for offences punishable under Sections 341, 376, 313/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner committed rape upon the informant and when she started raising protest, he promised that he will marry her and later on, on the pretext of marriage, he regularly established physical relationship with the informant, as a result of which she became pregnant. Accused persons forcibly got terminated her pregnancy by administering

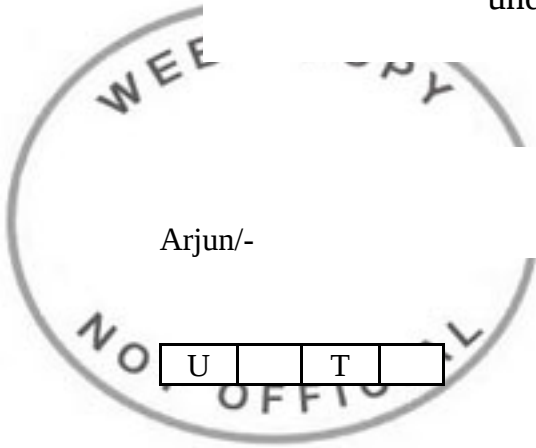
some medicine. Petitioner solemnized marriage with the informant. Later, he also solemnized another marriage and refused to keep the informant as wife.

It has been submitted by the learned counsel for the petitioner that there is no denial of the fact that petitioner has married the informant and submits that no case under Section 376 of the Indian Penal Code is made out against him, as it may be a case of restitution of conjugal rights. He further submits that except Section 376, other sections of the Indian Penal Code are bailable and petitioner is ready to keep the informant with due dignity and honour. He also submits that as per the medical report, she is major.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria in connection with Mahila P.S.

Case No. 44 of 2015, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.



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(Nilu Agrawal, J.)