

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22485 of 2016

Arising Out of PS.Case No. -1679 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

Ehasan @ Md. Ehasan @ Md. Ehasanullah @ Ehasanullah Son of Md.
Habibul @ Habibullah, resident of village- Laheriyaganj, P.S.- Rajnagar,
District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Nuri Khatoon @ Noori Khatoon D/o Md. Kalam, Resident of village-
Ranti, P. S.- Rajnagar, District- Madhubani

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. R.P.S.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-05-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a protest –cum- complaint case wherein processes have been
directed to be issued after cognizance being taken for the
offences punishable under Section 376 of the Indian Penal
Code.

The prosecution case is that Nuri Khatoon
student of Madarasa was of her village where the petitioner was



a teacher. The petitioner called the complainant in the evening for preparation of examination and ravished her. Subsequently, the complainant got pregnant. Thereafter the petitioner forcibly administered some medicine to her as a result her health got deteriorated then complainant narrated the entire incident to her mother when her mother contacted the petitioner he conveyed that he will bear the expenses of the marriage of the complainant. It is further alleged that on 18.05.2013 the petitioner entered into the house of the complainant and assaulted the complainant and her parents as a result the pregnancy got terminated. Since the complainant apprehended danger to her life she lodged the present case which was registered as Madhubani Mahila P.S. Case No. 41 of 2013 for the offences punishable under Sections 376, 341, 323, 337, 313, 448 and 506/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in the present case since the petitioner found the complainant with one Md. Manjur in objectionable position, hence, he was being threatened not to disclose the same. Subsequently the petitioner filed informatory petition being Informatory Petition No. 522 of 2013 on 07.05.2013 thereafter the present case has been lodged. The

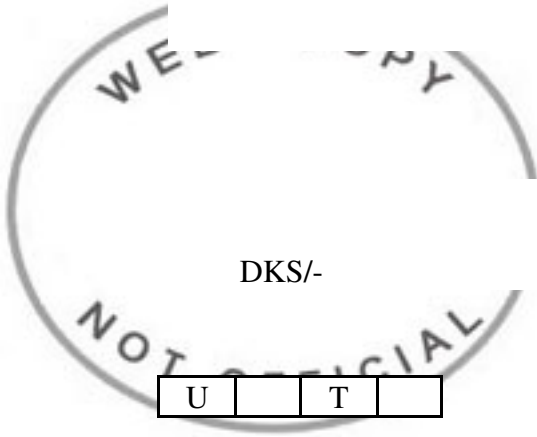


medical examination report suggests the age of the complainant as 16 years but neither any sign of rape was found nor any evidence of termination of pregnancy. On conclusion of the investigation the petitioner was not sent up for trial and when the police recommended for prosecution of the complainant under Section 182 and 211 of the IPC. Thereafter the complainant filed protest –cum- complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 376 of the IPC. It is further submitted that there is inconsistency in between the S.A. of the complainant and statements of other enquiry witnesses.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the accusation was not found true during investigation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhubani in connection with C.R. Case

No. 1679 of 2014, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

U		T	
---	--	---	--