

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33930 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -KHAJEKALA District- PATNA

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Md. Rashid Ahmad, Son of Md. Jamil Ahmad, resident of Mohalla - Diwan
Mohalla, Nauzar Katra, Police Station Khajekalan, District – Patna,

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate.
For the State : Mr. Dr. Kumar Uday Pratap, A.P.P.
For the Informant : Mr. Shah Faiyazuddin Ahmad, Mrs. Anjum
Perveen and M/S. Fakhruddin Ali Ahmad,
Diwakar Yadav, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-12-2016 A supplementary affidavit has been filed on behalf of

learned counsel for the petitioner in light of direction passed by

this Court in order dated 22.11.2016. The same may be kept on the

record.

Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is apprehending his arrest in connection

with Khajekalan P.S. Case No. 98 of 2016 for the offences

instituted under Sections 341, 342, 323, 376 and 504/34 of the

IPC.

The prosecution story, in brief, is that the petitioner



being the Dewar of the informant entered into her room and committed rape on her and when she went to complain, other family members ignored the occurrence.

On the last occasion, it was submitted by learned counsel for the petitioner that the petitioner is none but the Dewar of the informant. The informant Praveen Bano and Kahkasha Tarranum are the same person. Earlier on the last date, learned counsel for the informant had disputed the said fact but subsequently the informant in her counter-affidavit has admitted that both the names are of the informant. In support to the contentions made by learned counsel for the petitioner, the petitioner has filed the statements of bank account and other documents showing that both the names are of the same person.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case for malafide reasons. For the same offence, one case was filed by the informant and other by her husband. Prior to institution of the present case, a case for the offence under Section 498(A) and other allied sections of the IPC was filed against the entire family members of the petitioner. A petition was filed by the petitioner before the S.D.O.



where an enquiry was conducted and after enquiry it was found that the allegation made by the informant is said to be false. The medical examination report also does not support the allegation made in the FIR.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. and specific allegation has been made against him.

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 Khajekalan P.S. Case No. 98/2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna City, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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