

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45339 of 2015

Arising Out of PS.Case No. -614 Year- 2011 Thana -COMPLAINT CASE District- SUPAUL

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Md. Minhaj son of Md. Ajim, Resident of Village- Parsa Birbal, P.S.-
Chhatapur, District- Supaul

.... Petitioner

Versus

1. The State of Bihar
2. Jubeda Khatoon, W/o Md. Safroj, Resident of Village- Parsa Birbal,
P.S.- Chhatapur, District- Supaul

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate
For the Opposite Parties : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

This Court vide order dated 03.11.2015 had issued a notice upon the complainant. From perusal of the office notes, it appears that the ordinary notice had been received by the lawyer of the Opposite Party No.2. No one appears on behalf of the Opposite Party No.2.

The petitioner is apprehending his arrest in connection with Complaint Case No. 614C of 2011 for the offences instituted under Sections 493 of the IPC

The complaint case, in brief, is that the complainant was sleeping inside her house eight months ago and all of a sudden when complainant awoke up from sleep then she has found that Md. Minhaj entered into the house and he has shown fear of the

fire arms and committed rape on her by force and thereafter petitioner has given false assurance that he will solemnize married with her and continuously committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present case. The complainant after a period of eight months of the alleged occurrence, filed the present complaint case on 25.07.2011. A *sanha* was made by the father of the petitioner, i.e., on 19.07.2011 regarding his false implication by the complainant.

On behalf of the State, it has been submitted that the petitioner is named in the complaint case.

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 Complaint Case No. 614C of 2011 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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