

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54596 of 2015

Arising Out of PS.Case No. -311 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

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Md. Samsul @ Md. Samsul Alam, Son of Md. Asmat Ali, resident of
village Mobarak Tola, Rikabganj, P.S. K.Nagar, District Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with K. Nagar P.S. Case No. 311 of 2015 for the offences
instituted under Sections 148, 149, 447, 448, 323, 353 and 376 of
the Indian Penal Code.

The prosecution story, in brief, is that on 07.04.2015 at
about 11.30 P.M. the complainant on hearing the sound of
weeping and crying from the room of her daughter, Sayra Bano,
aged about 16 years, along with other family members entered into
the room of her daughter and saw that petitioner was committing
rape with her daughter forcibly. The complainant and others
caught hold the petitioner and confined him in a room. In the



morning, people of the locality including husband of Ward Parishad, namely, Md. Naushad Alam arrived there and talked with them. In the meantime, Md. Zahir and Md. Firoj armed with deadly weapons arrived there, assaulted the complainant and her family members by the butt of three-nut and forcibly rescued the petitioner. Thereafter, the complainant and her daughter went to the Police Station and narrated about the incident, but the Police did not take any action and asked the complainant to file the case in the Court.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The date of occurrence is 07.04.2015 in respect to which the complaint case was filed in the court below on 30.04.2015, which was later on converted into First Information Report under Section 156(3) of the Code of Criminal Procedure. Delay on the part of the prosecution in instituting the case has not been explained. Prior to the institution of the present case. A complaint case was filed by the father of the petitioner against the complainant on 15.04.2015. The medical examination report (Annexure-3) do not support the allegations made in the First Information Report. False implication of the petitioner is evident from para 20 of the case diary.

On behalf of the State, it has been submitted that the

petitioner is named in the First Information Report.

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 K. Nagar P.S. Case No. 311 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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