

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10580 of 2016

Arising Out of PS.Case No. -1674 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Istiyaque, S/o Md. Ainul Haque, R/o village- Bir Nagar, P.S.-
Balrampur, District- Katihar

.... Petitioner/s

Versus

1. State of Bihar
2. Most. Fakiran Nisha @ Most Sanjara, aged 222225 years, W/o Late Md. Anisur, R/village- Bir Nagar, P.S.- Balrampur, at present Baidol, P.S.- Balirampur, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-03-2016 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 354, 379/34 of the Indian Penal Code.

The prosecution case is that the complainant was married to Md. Anisur, the eldest brother of the petitioner, but after seven years of marriage he died. The petitioner is alleged to have entered into the room of the complainant on 07.01.2014 at 8.00 P.M. and on the point of knife ravished her and escaped from the scene. The petitioner also made assault to the complainant and snatched her jewellery. The petitioner also ravished her on 17.06.2014 while taking her to a field.



It is submitted by the learned counsel for the petitioner that for the occurrence of 07.01.2014 and 17.06.2014 the complaint was filed on 04.07.2014. There is no medical examination of the complainant since the complainant wanted to marry with the petitioner hence, to put pressure, the accusation has been levelled. The learned court below did not find the accusation under Section 376 of the Indian Penal Code and hence only cognizance has been taken under Sections 354, 379, 341 of the Indian Penal Code. In the complaint petition the date of occurrence is 07.01.2014 and 17.06.2014, but in her S.A. the complainant has suggested that the petitioner came from Mumbai to his native place in March and August. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

It is submitted by the learned counsel for the complainant that petitioner ravished the complainant and prima facie case found true by the learned court below.

Considering the delayed lodging of the complaint, the complainant not being examined by the Doctor and the inconsistency between the accusation levelled in the complaint and the statement of the victim on oath, let the above named petitioner be released on bail in the event of his 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 Shree Ram Jha, J.M., Ist Class, Katihar in connection with Complaint Case No. 1674 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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