

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15798 of 2016

Arising Out of PS.Case No. -607 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Rauki Kumar Paswan Son of Lal Babu Paswan Resident of Driver Tola,
Ward No. 16, P.S.- Katihar, District - Katihar.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Daughter of Buti Lal Yadav Resident of Driver Tola, Ward
No. 16, P.S.- Katihar, District – Katihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

5 30-08-2016

Heard both sides.

The petitioner apprehends his arrest in Katihar Town
P.S. case No. 607 of 2015 under Section 376, 323, 323, 506/34 of
the Indian Penal Code.

The informant filed a complaint petition on the basis
of which the present FIR is lodged. The informant alleged that in
the month of February, 2013 the petitioner committed rape with
her on the point of dagger. The petitioner again came to her house
and forcibly committed rape with her in presence of her mother on
assurance of getting married with her. It is alleged that the
informant became pregnant but the petitioner forcibly got her
aborted and refused to marry.

The learned counsel for the petitioner submits that
marriage has already been solemnized on 07.04.2015 before the
Notary Public, Katihar. The petitioner is ready to keep his wife
and if there is any dispute at best a case under 498A of the IPC can

be made out.

On the other hand, the learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and submitted that informant is ready to live with her husband but the petitioner is not ready.

Considering the facts aforesaid and the fact that petitioner has stated that he is ready to keep his wife, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail 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, Katihar in Katihar Town P.S. Case No. 607 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner did not take his wife within three months from her house, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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