

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33051 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

=====

Md. Sahid @ Sk. Sahid Son of Haji Wakil Resident of Milki Dumaria, P.S.
Phulkaha, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Araria Mahila P.S. Case No. 28 of 2016 registered for the offence

punishable under Sections 376, 313, 384 and 323/34 of the Indian

Penal Code.

The prosecution case, in brief, is that on

25.11.2015 at about 4:00 P.M. while the informant was going to

cut maize crop, petitioner finding her alone forcibly committed

rape upon her on the point of knife. When she started weeping and

crying, accused promised to marry her and thereafter he

established physical relation with her for three months. When she

became pregnant, she asked the petitioner to marry her, but he

refused.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case due to village politics. He submits that the allegation of the victim that she was subjected to rape in between 25.11.2015 till three months thereafter on the pretext of marriage is under conspiracy as the petitioner had filed an informatory petition long before the First Information Report was lodged on 03.03.2016, apprehending that being on inimical terms, informant's side would implicate the petitioner and his family members in false case. It has further been submitted that a complaint case was filed by the victim earlier to the lodging of the present First Information Report in which similar allegation was made and this First Information Report has been lodged after six months of the alleged occurrence. He submits that the physical relationship between the petitioner and the victim was established with their consent, as such, there is no question of commission of offence under Section 376 of the Indian Penal Code.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, named above, in

the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 28 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--