

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43304 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

Ikramul Haque, Son of Haji Abdul Rahman, resident of Village- Haldaban,
Police Station- Dighalbank in the district of Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate

For the State : Mr. Md.Fahimuddin, APP

For the informant : Mr. Diwakar Sinha, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

13 28-04-2016

I have heard learned counsel for the petitioner, the State
and the informant.

The petitioner apprehends his arrest in a case registered
for offences punishable under Sections 225, 376/34 of the Indian
Penal Code.

It is contended on behalf of petitioner that the whole
story is concocted one only to pressurize the petitioner to marry
the complainant. It is urged that the complainant itself reveals
that she is referring to an occurrence of rape which was allegedly
committed three months back. There is no answer as to why
immediately no first information report was lodged after she was
subjected to such type of criminal offence. It is further intriguing
as to why she will wait for three months for some panchaiyati to
be done forcing the accused to marry her though she has been



raped by her. It is urged that this is further intriguing that she has disclosed her age to be 16 years in the complaint case whereas in the statement recorded under Section 164 of Code of Criminal Procedure she has stated her age to be 20 years. It is further contended that in 164 Cr.P.C. statement she has not stated as to why there was delay in approaching for a remedy and only a wild allegation has been made that the petitioner is threatening her. Obviously since delay of three months in filing the complaint case there, medical report, after such a long period has revealed nothing indicating rape committed upon her. Learned counsel submits that it is intriguing that the victim girl waited for three months to file the complaint petition on the promise given by the rapist and his family member that the petitioner would marry with her. Thus, it is contended by the petitioner that the entire story is cock and bull story for the purpose of forcing the petitioner to some how marry the petitioner with the complainant.

Learned counsel appearing for the informant has submitted that delay was due to panchayati but he does not have answer as to why the victim was interested in marrying a rapist. It has been contended on behalf of petitioner that even the names of the punches, who were present in the alleged panchayati, have not been revealed either in the complaint petition or in her

statement recorded under section 164 Cr.P.C. rather in the statement under section 164 Cr.P.C. the panchayati issue has given a go by by the victim.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Ikramul Haque be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Kishanganj Mahila P.S. Case No. 35 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Kishanganj, subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

However, this is made clear that observations, if any, made in this case is only for the purpose of considering the petitioner's prayer for grant of bail. While proceeding with the trial, the court concerned would be required to proceed in accordance with law without being prejudiced by any observation made by this Court in the present order.

(Dr. Ravi Ranjan, J)

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