

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55310 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

=====

Md. Abdul Kadir @ Abdul Kadir son of Late Md. Waizuddin resident of
Village Raipura, P.S. Fatua, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 493, 376 and 420 of the Indian Penal
Code.

Allegation against the petitioner is that he established
physical relation with the victim girl on the pretext of marriage
and later on marriage was solemnized between them. Thereafter,
petitioner left keeping contact with the complainant.

It is submitted on behalf of the petitioner that he has got
no criminal antecedent. He has been made accused due to mistake
of fact. There was no such physical relationship made by the
petitioner with the complainant. Petitioner has falsely been
implicated in the present case. The complainant has never
protested or made any allegation against the petitioner as to when
their relationship has been continuing since 2010.

On behalf of the State and the informant, it is submitted
that petitioner is named in the F.I.R. and 164 Cr. P.C. statement of
the complainant also disclosed specific allegation against the
petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, petitioner is directed to surrender in the court below, i.e., Chief Judicial Magistrate, Bihar Sharif at Nalanda in connection with Chhabilapur P. S. Case no. 79 of 2015 within a period of four weeks and pray for regular bail which shall be considered and disposed of on its own merit preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

sudip/-

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