

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48680 of 2015

Arising Out of PS.Case No. -1673 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Shamsul @ Md. Shamsul Haque, Son of Late Islamuddin, Resident
of Village- Gaira, Barharia, P.S. Araria, District- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Satni Devi, wife of Late Kamal Kishore Rishi, Resident of Village- Balu
Tola, P.S.- K. Nagar (Sri Nagar), District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl. PP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with complaint Case No. 1673 of 2012 for the offences instituted
under Sections 323, 354, 376 of the Indian Penal Code and section
3(x) of SC/ST Act.

The prosecution story, in brief, is that the complainant
has alleged that her husband died 4 years ago and prior to that, her
husband had purchased a piece of land of Khata No. 1055 Plot No.
2698, 2699 having total area 0.33 acres in Mauza Pakpara in her
name through registered sale deed dated 16.12.2003. The aforesaid
land was purchased by Kare Rishi from one late Md. Yasin, the
father-in-law of the petitioner and said Kare Rishi also died. After
the death of Md. Yasin, petitioner claiming the said land as he



showed sale deed, but the petitioner wanted to sale the aforesaid land, the said matter was of the month of December, 2010. Next day, the petitioner again came to her and gave threat then the complainant after consulting relatives became ready to pay Rs. 15,000/- to the petitioner and out of the aforesaid amount complainant paid Rs.10,000/- to the petitioner with assurance to give remaining Rs.5000/- to him. After sometime, complainant came to learn that the petitioner is going to sale the said land with other person then she went to petitioner and asked about the matter upon which, the petitioner said that if the remaining amount Rs.5000/- will be paid then he will not sale the land to another persons. Thereafter, complainant on 04.05.2012 went to the petitioner and gave the aforesaid amount and on the request of the petitioner stayed in his house. Thereafter, she along with petitioner proceeded at about 4.30 P.M. from the house of petitioner and they reached on bridge in the evening and when they crossed the bridge, there were none. It is also alleged that the petitioner dragged her in a maize field and on threat, the petitioner forcibly cohabited with her and he also instructed her that not to say anybody, she would be given the land and he went towards his home by his cycle.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted

that from perusal of complaint petition, it would appear that the complainant has made allegation of commission of rape but subsequently in her S.A. made before the Magistrate, she has not categorically stated regarding commission of rape. The complainant has produced no such medical report to support the allegation made in the complaint petition. It is further submitted that prior to the institution of the present complaint case, three cases on earlier occasion were also instituted by the complainant but the same were subsequently dismissed.

On behalf of the State, it has been submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with complaint Case No. 1673/2012 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, Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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