

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15784 of 2017

Arising Out of PS.Case No. -167 Year- 2016 Thana -KATIHAR MUFFASIL District- KATIHAR
=====

Md. Parvez, S/o Sahid Alam, R/o village - Khorwa, Paschim Tola, P.S.
Muffassil, District - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh, APP
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 24-04-2017 Heard both sides.

The petitioner seeks bail in Muffasil P.S. Case No. 167/2016 arising out of complaint case C.A. No. 1975/2016, registered for the offences punishable under Sections 376, 468 and other sections of the Indian Penal Code.

The informant filed complaint case C.A. No. 1975/2016 on the basis of which the present F.I.R. was registered. The informant in the complaint petition alleged that on 26.02.2016, on call she went to the place of Md. Pervez who dragged her inside and committed rape with her and assured the informant of marrying her. Other family members of the petitioner also assured to get her married with the petitioner. Nikah was also performed, but petitioner does not want to keep her.



Learned counsel for the petitioner submits that marriage of the petitioner was solemnized with the informant, but only after five months of marriage the informant gave birth to a child. The petitioner is ready for D.N.A. test, if the child is of the petitioner, the petitioner has got no objection and he is ready to keep his wife.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail.

From perusal of the F.I.R. and the statement of the victim recorded under Section 164 Cr.P.C., it appears that the victim is a major girl and she voluntarily have had sexual relation with the petitioner, but later on the petitioner solemnized marriage with the informant.

Considering the facts aforesaid, the petitioner above-named, 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 Judicial Magistrate Ist Class, Katihar in connection with Muffasil P.S. Case No. 167/2016.

(Prabhat Kumar Jha, J.)

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