

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13373 of 2017

Arising Out of PS.Case No. -77 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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Md. Sanowar, son of Md. Hajrul, resident of village-Paruwan, P.S.
Balrampur (Telta), District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 22-06-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Balrampur
(Telta) P.S. Case No.77 of 2015 registered under Sections 376, 354 and
504/34 of the Indian Penal Code.

The accusation is that before three months of the lodging of
the case, when the informant was alone in her house, the petitioner
entered the house of the informant and forcibly committed rape on her.
When the informant started weeping, the petitioner assured her to
perform marriage with her. Thereafter, the petitioner started to make
physical relation with the informant on the pretext of performing his
marriage with her. In the meantime, the informant conceived
pregnancy and when she asked the petitioner to perform the marriage,
the petitioner refused to do the same. When the informant informed



about the incident to her mother and other villagers, one Abdul assured to get her marriage performed but at first, she would have to get aborted and took her to the doctors but the doctors refused to get her pregnancy aborted. Abdul used to tease her in the way in course of taking the informant to the doctors and ask the informant to make physical relationship with her. Later on, the mother of the petitioner also abused the informant.

Learned counsel appearing on behalf of the petitioner submits that while the allegation has been made by the informant about committing rape on her by the petitioner on assurance to perform the marriage with her but it has come in paragraph-20 the case diary that the informant is already married woman and she has four children. The petitioner having no criminal antecedent is in custody since 15.12.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Balrampur (Telta O.P.) P.S. Case No.77 of 2015.

(Rajendra Kumar Mishra, J)

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