

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10962 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -MAHILA PS District- KATIHAR

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Md. Bazir, S/o Md. Tamiz, R/o Jhunjhuna, P.S.- Barari (Semapur), Distt-
Katihar. Petitioner

Versus

1. The State of Bihar.
2. Saukat Ara, D/o Md. Nizam, R/o Jhunjhuna, P.S.- Barari, (Semapur),
Distt- Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 16-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 108 of 2016 registered for the offences
punishable under Sections 354A and 376/511 of the Indian Penal
Code.

Allegedly, the petitioner tried to commit rape with the
informant after giving assurance to marry with her but the
informant protested and raised alarm and then the petitioner fled
away.

Submission is of false implication and that both the
informant and the petitioner have performed marriage and both are
living together. Saukat Ara is also a major one and she has sworn



affidavit before Notary Public, Katihar in this regard and further compromise petition has also been filed in this case and as such the petitioner deserves sympathetic consideration.

Learned APP submits that the informant is not present today in support of the said marriage.

In the facts and circumstances stated above, the petitioner is directed to surrender before the court below within six weeks from the date of receipt/production of a copy of this order and on that date the learned court below shall verify as to whether the informant Saukat Ara is residing with the petitioner as his wife and if it is found that she is living as the wife of the petitioner then the petitioner shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned S.D.J.M., Katihar in connection with Mahila P.S. Case No. 108 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and, in case, the informant refuses then the petitioner shall be taken into custody.

(Jitendra Mohan Sharma, J)

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