

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14667 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -MAHILA PS District- KATIHAR

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Md. Yusuf @ Yusif, Son of Md. Mushru, resident of village - Kamalpur,
P.S. - Balia Belon, District - Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Satya Nand Shukla

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

ORAL ORDER

4 07-07-2017

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Mahila P.S. Case no. 78 of 2016, registered under Sections 376, 323
and 506/34 of the Indian Penal Code.

The accusation is that informant aged about 17 years was
alone at her house before one year then her villager Md. Yusuf
(Petitioner) entered in her house and committed rape at her on giving
allurement to perform marriage with her and, thereafter, he used to
make physical relation with her. In the meantime, she conceived
pregnancy, when her parents asked then she narrated the incidence
and, thereafter, Panchayati was convened, but petitioner refused to
perform marriage and his family members also caused assault to her.

Learned counsel for the petitioner submits that regarding



the similar allegation, the present informant lodged Complaint Case No. 1634 of 2016 against the petitioner and his parents, which was sent under Section 156 Cr.P.C. for investigation, accordingly, Katwa P.S. Case No. 185 of 2016 was instituted and on investigation, the Police submitted Final Form on 31.10.2016 finding the case untrue. Further submission is that, in fact, the informant lodged this case only to give pressure upon the petitioner and his family members so that the petitioner and family members may agree to perform marriage with her.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M. Katihar in connection with Mahila P.S. Case No. 78 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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