

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47948 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -AMOUR District- PURNIA

- =====
1. Md. Tasim @ Tasim @ Tahsim
 2. Sk. Taiyab @ Taiyab S/o- late Sk. Gafoor @ Late Gafoor
- Both are R/o- village- Pipra Panchayat nitendra, PS- Amour District- Purnea

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 02-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioners are in custody since 18.08.2016 in connection
with Amour P.S. Case No. 116 of 2015 registered under Sections 323,
324, 379, 307, 498A, 380 and 376 of the Indian Penal Code.

Accusation is of rape, torture and assault for non
fulfillment of dowry demand.

Learned counsel for the petitioners has submitted that the
allegation of rape is on petitioner No.2 who is father-in-law of the
complainant, which is totally false and fabricated. According to F.I.R.,
the alleged occurrence of rape took place on 15.05.2015 and the entire
complaint case was lodged on 28.05.2015, which is after lapse of 13
days of the alleged occurrence. This fact itself falsifies the case of the
prosecution as alleged in the F.I.R. Neither the victim was examined by



the any doctor nor any medical report to that effect has been prepared. Moreover, there is no proof of injury on the person of the complainant which attracts Section 307 of the Indian Penal Code. The petitioner No.1, happens to be the husband of the complainant, admits his marriage with the complainant and he is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph-9 of the petition.

Considering the facts and circumstances of the case and the nature of accusation, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge, VI-cum- A.C.J.M, Purnea in connection with Amour P.S. Case No. 116 of 2015.

(Arvind Srivastava, J)

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