

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30001 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA P.S. District- PURNIA

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1. IFTEKHAR @ CHUNNA @ MD. IFTEKHAR, son of late Moinuddin,
resident of village- Sanjheli, P.S. Kasba, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 13-07-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Mahila P.S.
Case No.46 of 2016 instituted for the offence under Section(s)
376, 504, 506/34 Indian Penal Code.

Informant, who is aged about 38 years and is the
victim, has lodged the case making allegation that in absence of
her husband, who had gone to Saudi Arabia to earn his livelihood,
this petitioner established physical relationship with her under
force and continued to do so and thereafter she became pregnant.
She did not tell about the occurrence to the family members.
When her husband came to India in the marriage of his nephew,
she told the husband about the incident. Thereafter, her husband
and other family members went to the house of the petitioner



then he abused and gave threat.

It has been submitted on behalf of the petitioner that due to intervention of well wishers compromise has taken place between the parties and a compromise petition has also been filed in the lower court.

From the written report itself, it appears that victim is a lady aged about 38 years and if physical relationship has been established by the petitioner then it was with her consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Mahila P.S. Case No.46 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the



petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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