

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15525 of 2017

Arising Out of PS.Case No. -257 Year- 2015 Thana -KHAIRA District- JAMUI

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Md. Dildar, S/o Late Guli Mian @ Rasuli Mian, resident of village -
Sitamarhi, Police Station - Khaira, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmeri Khatoon, W/o Md. Tauhid, resident of village - Sitamadih, Police
Station - Khaira, District Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Khaira P.S. Case No. 257 of 2015 (Complaint Case No. 1634 C of
2015) registered under Sections 323, 313 and 504 of the Indian
Penal Code.

The accusation is that when the informant had gone to
attend the call of nature then her brother-in-law (petitioner) along
with one unknown reached there and tried to commit rape forcibly
by toring her cloths. On raising alarm, brother-in-law and husband
of the informant came there and tried to catch hold the petitioner
but he succeeded to flee away.

Learned counsel for the petitioner submits that, in fact,
informant filed the Complaint Case No. 1634 C of 2015 on



28.09.2015 regarding the occurrence dated 22.09.2015 against the petitioner in the court of Chief Judicial Magistrate, Jamui, which was registered under Sections 376, 313 and 307 of the Indian Penal Code. Thereafter, on investigation, the police submitted charge sheet only under Sections 323 and 504 of the Indian Penal Code but the learned Chief Judicial Magistrate, Jamui, took cognizance under Sections 323, 504 and 313 of the Indian Penal Code. It is further submitted that occurrence took place due to land dispute due to that reason informant, who is the sister-in-law of the petitioner, has lodged the present case with false allegation.

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 six 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 Chief Judicial Magistrate, Jamui, in connection with Khaira P.S. Case No. 257 of 2015 (Complaint Case No. 1634 C of 2015), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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