

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51145 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -BHAWANIPUR District- PURNIA

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Md. Arif, Son of Md. Samsul, Resident of village-Jabe, P.S. Bhawanipur,
District-Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 30-10-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bhawanipur P.S. Case no. 42 of 2017, registered under Sections 376,
341, 323, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that petitioner developed physical
relation with the informant before six months on pretext to perform
Nikah. When the informant asked to petitioner for performing the
Nikah then petitioner accompanied her at his house on 23.02.2017 and
used her sexually in the night. On the next day i.e. on 24.02.2017 Md.
Samsul and Rabida Khatoon, father and mother of the petitioner
assaulted the informant brutally and torn her clothes and snatched her
silver chain saying that they will not perform Nikah with their son.
Thereafter, Panchayati was arranged on 26.02.2017, but neither the
petitioner nor his parents tuned up in the Panchayat.



Learned counsel for the petitioner submits that, in fact, the house of petitioner and informant are adjacent to each other and parents of informant tried to settle the marriage of informant with petitioner but the parents of petitioner were not ready due to that reason, the present case has been lodged with false allegation only to put undue pressure.

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. Purnea in connection with Bhawanipur P.S. Case No. 42 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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