

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33990 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -KALUAHI District- MADHUBANI

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Md. Sakir, Son of Late Md. Rahman, Resident of Village- Malmal, P.S.-
Kanhauli, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

5 10-11-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Kaluahi P.S. Case No. 104 of 2016, registered under Sections 376,
323, 504 and 354/34 of the Indian Penal Code.

The accusation is that petitioner developed the
physical relation with the complainant-informant on assurance to
perform the marriage. Thereafter, she become pregnant and
informed the petitioner about her pregnancy then petitioner
advised her to get aborted. When she went at the house of the
petitioner and informed to his family members about the whole
matter then she was abused and assaulted by other accused
persons named in the complaint petition saying that petitioner will
not performed the marriage with her. While Panchayati was



arranged, but accused persons named in the complaint petition including the petitioner did not appear in Panchayati.

Learned counsel for the petitioner submits that, in fact, Md. Anwarul, father of the complainant-informant, made attempt to commit rape with the mother of the petitioner on 11.11.2016, regarding which, mother of the petitioner lodged Complaint Case No. 940(CIS)/1042 (CR) of 2016 in the court Chief Judicial Magistrate, Madhubani and informant, who is daughter of Md. Anwarul, has lodged the present case only to give 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 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 Judicial Magistrate Ist Class, Madhubani, in connection with Kaluahi P.S. Case No. 104 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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