

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2367 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Tafzil @ Mintu @ Md. Tafzid, S/o Mahboob Alam @ Md. Mahboob Alam,
Resident of Village-Shyampur, Tola Perwakhuri, Ward No. 9, P.S.-Palasi,
District-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party/s : Mr. Sri S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 10-02-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Araria Mahila P.S. Case No. 70 of 2016 registered under Sections

448, 323, 506, 376, 354 and 504/34 of the Indian Penal Code.

The accusation is of committing rape with the

informant by this petitioner on assurance to perform the marriage.

Learned counsel for the petitioner submits that, in fact,

petitioner and the informant are next door neighbour and the

petitioner has been implicated in this case with false allegation of

committing the rape on the informant only to give undue pressure.

In fact, informant is married lady and she has stated in her



statement recorded, under Section 164 Cr.P.C., in which, she denied the alleged occurrence made in the F.I.R. saying that she has already married with Irshad and also stated about taking her thumb impression forcibly to lodge the present case. Further submission is that petitioner has no criminal antecedent.

Considering the aforesaid submissions, 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 Sub-Divisional Judicial Magistrate, Araria, in connection with Araria Mahila P.S. Case No. 70 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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