

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1678 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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Md. Makbul Son of Late Majlum, Resident of Village Meer Tola, Ward No. 7, Police Station Saharsa, District Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate

For the Opposite Party : Mr. Rajkishore Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with (Saharsa) Mahila P.S. Case No. 11 of 2016, registered for the offences punishable under Sections 376/34, 504 of the Indian Penal Code.

Allegedly, on false pretext of marriage the petitioner developed sexual relationship with the informant and thereafter kept her for one week at Saharanpur, Delhi and kept her as a wife but now he is not ready to marry with her and causing threats to kill her.

Submission is of false implication and that the informant is married women, earlier she has filed complaint case



against her husband Md. Fahim and others under section 498A of the Indian Penal Code bearing Complaint Case No. 646 of 2014. As per medical report the victim is above 18 years of age and there was no confirmatory evidence of rape. The informant after considering everything has filed a petition in the learned Court below that compromise has arrived between the parties and now she does not want to precede with the case, as such, the petitioner deserves sympathetic consideration. Learned counsel for the petitioner has placed reliance upon the decision reported in *2011 (3) BBCJ IV page 159 in the matter of K.P. Thimmappa Gowda Versus State of Karnataka* and submits that no offence as alleged is made out.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the informant is married one and earlier she has filed complaint case against her husband Md. Fahim and other under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Sri Lalan Jee,
Judicial Magistrate, Saharsa, in connection with (Saharsa) Mahila
P.S. Case No. 11 of 2016, subject to the conditions as laid down in
section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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