

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53404 of 2017

Arising Out of PS. Case No.-133 Year-2017 Thana- KURSAKANTA District- Araria

Md. Naiyer S/o Late Baugai Resident of Village - Kamaldaha, P.S.
Kursakanta, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. SRI AWADHESH KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 15-12-2017 Heard learned counsels for the petitioner and the State.

Petitioner apprehends arrest in connection with Kursa Kanta P.S. Case No. 133 of 2017 registered for the offence punishable under section 376 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in this case due to admitted land dispute between the parties. The present case has been filed in retaliation of the earlier Complaint case filed by the wife of this petitioner against the present informant and other vide Annexure-2. Petitioner is the own Nandoshi of the informant. In the Panchnama (Annexure-3) prepared after Panchayati in the village, the victim has admitted that the born child is from her husband and her husband also agreed to the same. The victim is aged about 24 years and the medical report



also does not support the allegations levelled. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Kursakanta P.S. Case No. 133 of 2017 subject to the conditions laid down under section 438(2) Cr.P.C.

(Arvind Srivastava, J)

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