

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55523 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -HATHUA District- GOPALGANJ

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1. Maifooz Alam S/o Mustaque Miyan, R/o Village- Hathua South Tola,
P.S.- Hathua, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Javed Aslam, Adv.

For the Opposite Party : Mr. Sanjay Kumar Singh, APP 193

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-12-2017 Heard both sides.

The petitioner apprehends his arrest in Hathua P.S. Case No. 108 of 2017 registered under Sections 376, 366 and 366A/34 of the Indian Penal Code.

The informant filed Complaint Case No. 1364 of 2017 on 21.06.2017 alleging therein that on 24.04.2017 at about 12.00 in the night, the petitioner entered into her house and committed rape with her. A Panchayati was held, but, when the petitioner refused to marry, the informant filed the complaint petition.

The learned counsel for the petitioner submits that the occurrence took place on 24.04.2017, but, the complaint petition was filed after two months of the occurrence. On the face of the complaint, it appears that the complainant wanted to marry with the petitioner and when the petitioner refused to marry, the complainant filed the case. There is no evidence to show that the petitioner committed rape with the victim.



Considering the facts that the occurrence is said to have taken place on 24.04.2017, but, the victim herself filed the complaint petition on 21.06.2017, i.e., after about two months of the occurrence making allegation of rape, the petitioner, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Hathua P.S. Case No. 108 of 2017** to the satisfaction of **Chief Judicial Magistrate, Gopalganj**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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