

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4545 of 2017

Arising Out of PS.Case No. -208 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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Md. Imteyaz @ Chhotu, Son of Md. Iliyas, Resident of Village-Tarma,
P.S.- Runnisaidpur, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 15-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Runnisaidpur P.S. Case No.208 of 2016 registered under Sections 354,
354(A), 376 and 511 of the Indian Penal Code.

The accusation is that due to dispute with her husband, the
informant used to reside separate with her husband in the old house of
her father by constructing the hut. The brother-in-law of the informant
(petitioner) taking the advantage of the difference in between the
informant and her husband made attempt to physical relation with the
informant on 11.05.2016 but she made protest.

Learned counsel appearing on behalf of the petitioner submits
that, admittedly, the petitioner is the brother-in-law of the informant



and he has falsely been implicated in this case. Further submission is that while on the basis of Complaint Case No.CI-654 of 2016 filed by the complainant/informant before the Chief Judicial Magistrate, Sitamarhi, the present case was lodged and, on investigation, the police submitted the final form but, the learned Chief Judicial Magistrate, Sitamarhi, on perusal of the materials available on the record, differing with the final form submitted by the police, took the cognizance of the offence under Sections 354, 354(A), 376 and 511 of the Indian Penal Code against the petitioner. While the occurrence is said to be taken place on 11.05.2016, but the complaint case was filed by the complainant/informant on 16.05.2016.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaidpur P.S. Case No.208 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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