

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1604 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Nashim, son of Late Mojeb, resident of village-Shanjhauli, Ward No.2, P.S.
Raniganj, District-Araria.

.... 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 18-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mahila P.S. Case
No.105 of 2016 registered under Section 376 of the Indian Penal
Code besides Section 4 of the Protection of Children from Sexual
Offences Act, 2012.

The accusation is that on 03.10.2016, the petitioner caught
hold the informant when she was going to graze the goat in the
field and, thereafter, the petitioner carried her near a bamboo
clamps and committed rape on her in spite of raising alarm by the
informant. At that time, the lady of the village, who was passing
to that way, informed the aunt of the informant, who went there
and carried the informant to the house and then the informant



narrated about the occurrence to her aunt. Thereafter, on 06.10.2016, panchayati was arranged in which the petitioner made request to the Panches not to lodge the case as he will perform the marriage with the informant. On 01.11.2016, when the father and uncle alongwith some villagers went to the house of the petitioner then the petitioner caused assault to them giving threatening.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and the informant are co-villagers. While the parents of the informant tried to negotiate the marriage of the informant with the petitioner but the family members of the petitioner were not ready, due to that reason, the present case has been lodged only to put undue pressure upon the petitioner so that the marriage of the petitioner could be performed with the informant. The petitioner is in custody since 13.11.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Mahila P.S. Case No.105 of 2016. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the



petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

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