

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54318 of 2018

Arising Out of PS. Case No.-432 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Tufani Mian, S/o Late Ramjan Mian, resident of Village - Bairati, P.S. Chiutaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Soni Khatoon, D/o Late Murtuja Ansari, Village - Bhulahwa Dih, P.S. - Chautarwa, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate.
For the Opposite Party/s : Mr. Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 432 of 2017 registered under Section 376(I) of the Indian Penal Code.

The accusation is that complainant-opposite party no. 2 had gone to the house of his sister, Zarina Khatoon, as she was pregnant. In the meantime, petitioner, who happens to be the younger Dever of sister of complainant-opposite party no. 2, on pretext to perform the marriage developed the physical relation with her and she conceived pregnancy but on conspiracy by the petitioner and others, her pregnancy was



aborted. In the month of April, 2017, she was removed by the petitioner with threatening of dire consequence.

Learned counsel for the petitioner submits that, in fact, complainant-opposite party no. 2 wanted to perform the Nikah with the petitioner but petitioner refused due to that reason complainant-opposite party no. 2 filed complainant case, but later on, after Panchayati petitioner has performed Nikah with the complainant-opposite party no.2.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-I, Bagaha, West Champaran, in connection with Complaint Case No. 432 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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