

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56656 of 2018

Arising Out of PS. Case No.-518 Year-2017 Thana- AMARPUR District- Banka

Md. Imran @ Asfak @ Appu @ Md. Asfak son of Md. Eqbal, resident of
Village- Dhimra, Police Station- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 498A, 494, 120(B), 313/34 of the
Indian Penal Code.

Allegation is that the petitioner had committed rape with
the victim and destroyed the pregnancy by giving medicine.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the
present case. On the earlier occasion also a case was instituted
by the victim making a similar allegation. There is no medical
examination report in support of the allegations made in respect
of offence under Section 313 of the I.P.C. So far the offence



under Section 376 of the I.P.C. is concerned, same is alleged to have been committed prior to solemnization of marriage of the victim with the petitioner. Rest of the offences are triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182. Other co-accused have been granted anticipatory bail vide Cr.Misc.No.38285 of 2018.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. case No.518 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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