

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21897 of 2018

Arising Out of PS. Case No.-310 Year-2017 Thana- MUFFASIL District- West Champaran

Wasim Akram S/o Md. Ashfaq, R/o Vill.- Mansha Tola, P.S.- Bettiah Muffasil,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 366, 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation is that the petitioner caught the informant forcibly and took away in his outer room of his house and committed rape upon her. Thereafter the petitioner prepared Nikahnama kept with her in rented house.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Section 366 I.P.C. has been added only to make the case non-



triable by the Magistrate. Other offences are triable by the Magistrate. Prior to institution of the present case the petitioner has filed the Divorce case. 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.

On behalf of the State, it is submitted that the petitioner is named in the 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, Bettiah, West Champaran in connection with Bettiah Muffassil P.S. case No.310 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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