

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50299 of 2018

Arising Out of PS. Case No.-700 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Ekramul Haque @ Ekramul Heque @ Md. Ikramul Haque, Son of late Enamul Haque, Resident of Village-Dariyapur, P.S. Balia-Belon(Kadwa), District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manzeri Khatoon @ Manjari Khatoon, D/O Late Shafir.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate.
For the Opposite Party/s : Mr. Sri Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-09-2018 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. 700 of 2016 registered under Sections 354, 420, 323 and 504 of the Indian Penal Code.

The accusation is that marriage of complainant-opposite party no. 2 was performed before 22 years with Md. Mobid, son of late Nasimuddin, village- Nauranga, P.s.- Azamnagar, District- Katihar. On 25.11.2010, she was going to her Maika and when she reached at East Madanpur near dam then petitioner, on seeing complainant-opposite party no.2 at lonely place, caught hold her and committed rape. Thereafter,



she came to her Maika and narrated the incident. On next day, Panchayati was arranged by her husband, in which, petitioner was called in Panchayat and her husband divorced her and on pressure of Panch, petitioner took her at his house and assured to perform the marriage. In the meantime, petitioner withdrew cash from her account which was posted by her husband, on assurance to perform the marriage. But later on, petitioner refused to perform the marriage with her. On 29.05.2015, Md. Mugim, Md. Rabbani and the petitioner ousted the complainant-opposite party no. 2 from the house.

Learned counsel for the petitioner submits that initially, on the basis of the written complainant of opposite party no. 2, Kadwa P.S. Case No.81 of 2018 was instituted on 05.08.2015, but after investigation, the police submitted the final form with recommendation to proceed against the petitioner under Sections 182 and 211 of the Cr.P.C. The matter on the basis of protest petition, the petitioner has been summoned for the offence punishable under Sections 354, 420, 323 and 504 of the Indian Penal Code. It is further submitted that it is beyond imagination that any lady without performing the Nikah will dare to live in the house of petitioner for about five years. In fact, opposite party no. 2 wanted to perform the



Nikah with the petitioner after divorce by her husband but he refused, hence, the petitioner has falsely been implicated in this case.

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.- IV, Katihar, in connection with Complaint Case No. 700 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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