

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69063 of 2018

Arising Out of PS. Case No.-68 Year-2017 Thana- THAKURGANJ District- Kishanganj

Md. Rashid Alam, S/O Md. Sayeed Alam, R/V- KhelaBhitta, P.S. Thakurganj,
District-Kishanganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate.
For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A), 376, 448, 379,
354/34 of the IPC and $\frac{3}{4}$ of the D.P. Act.

The prosecution story, in brief, is that the informant
Khushbu Begam was solemnized marriage with the petitioner.
But after three months of marriage, her husband and his
relatives started demanding 3 *Bhar* gold and cash of Rs.
1,00,000/- as dowry. On non-fulfilment of same, they started
torturing mentally and physically. After some months, co-
accused Md. Sayeed Alam (father-in-law of the informant)
asked her to establish physical relation with him if she wanted
to avoid terror of dowry demand, and just after that he father-in-



law made physical relation with her forcibly twice, but she kept mum for social prestige. Again on 19.06.2017 all the accused persons assaulted her to fulfil the dowry demand and even ousted her from the house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is husband of the victim. As per the medical examination report, commission of rape itself has been doubted. Hence, no offence under Section 376 of the IPC is made out. Rests of the offences are triable by the Magistrate.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 Judicial Magistrate, Kishanganj, in connection with Thakurganj P.S.



Case No. 68 of 2017, subject to conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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