

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59872 of 2018

Arising Out of PS. Case No.-106 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Ashif Ekbal @ Md. Ashif son of Md. Suhail, resident of Village- Chakia, P.S.
Muffasil Ara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1
For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends arrest in connection with
Mahila P.S. Case No. 106/2018 for offences alleged under
Sections 376, 379, 420 and 506 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while her father was sick, the petitioner started coming to
the house on the pretext of looking after her father and also
assured her that he would perform marriage with her and took
cash of Rs. 90,000/- as alleged in the FIR along with her gold
ornaments but later on denied to marry her and the petitioner
along with his family members threatened her.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that in



her statement under Section 164 Cr.P.C. the age of the victim lady has been assessed as 24 years, as such, she was a major and it was a consented relationship, hence, no case under Section 376 IPC is made out against the petitioner. He further submits that the petitioner had also lodged a case against the informant and other persons being Ara Muffasil P.S. Case No. 227 of 2018 regarding threatening given by the victim lady and assault by other persons. He submits that a complaint was also lodged with the Superintendent of Police, Bhojpur, Ara prior to the present FIR and, as such, allegations made against him are false and concocted. He further submits that in the statement made under Section 164 Cr.P.C. by the victim the amount withdrawn is Rs. 2,30,000/- which is alleged to have been taken by the petitioner from the informant/victim lady which is a contradiction to the allegation made in the FIR.

However, learned counsel for the informant opposes the prayer for bail stating therein that on the pretext of marriage the victim lady who had become an orphan, the petitioner had taken the money which her father had received on retirement and had also committed rape on her. He further submits that in the case lodged by the petitioner the police has submitted final form and the victim lady has also been duped of huge amount of



money of Rs. 2,30,000/- and also cash from the ATM which he had taken from the victim lady.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on 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, Bhojpur, Ara in connection with Mahila P.S. Case No. 106/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

Rajesh/Pragya

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