

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19333 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- SIMRIBAZAR District- Darbhanga

Md. Alijan, Son of Md. Md. Jan, resident of Village- Doghara, Police Station- Jalley, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Sections
498A, 376 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner had
always bad intention upon the informant and also developed
sexual intercourse upon her.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 6.2.2018 and 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. From bare perusal of the F.I.R
itself, it is evident that no offence under Section 376 I.P.C. is
made out. Same is superficial in nature. There is no allegation in



respect of commission of rape. The allegation against the petitioner is that he misbehaved with the victim. At best it would be a case for offence under Section 354 I.P.C. Other offences are triable by the Magistrate. The alleged date of occurrence is 28.12.2017. F.I.R. has been instituted on 04.02.2018. Delay has not been explained by the prosecution. 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 complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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, Darbhanga in connection with Simri P.S. case No.12 of 2018.

(Sudhir Singh, J)

Narendra/-

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