

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37879 of 2018

Arising Out of PS. Case No.-130 Year-2016 Thana- PALASI District- Araria

Md. Usman, S/o- Late Ghotayu, R/o- Vill.- Dhahgama, P.S.- Sikty, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 493 and 376 of the IPC.

The prosecution case, as per the written report of Bibi Sahina, submitted to the Station House Officer, Palasi Police Station is to the effect that co-accused, Md. Warique, on promise of marriage, established physical relationship with the informant and subsequently, declined to marry her. It is alleged against the petitioner that the petitioner helped Md. Warique in commission of the offence.

It is submitted by learned counsel for the petitioner that for the occurrence of 02.05.2016, the FIR was registered on 20.06.2016. Even assuming the accusation to be true, no offence



either under Section 493 or 376 of the IPC is made out against the petitioner. Moreover, the informant has retracted from her initial version and has filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner assisted main accused Md. Warique in commission of the offence. However, he admits that the accusation under Section 376 IPC is not made out against the petitioner.

Considering the fact that thrust of accusation is against co-accused Md. Warique, accusation levelled under Sections 493 and 376 IPC is not made out against the petitioner, the retracted version of the informant, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Araria in connection with Palasi P.S. Case No. 130 of 2016, subject to the condition as laid down



under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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