

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38872 of 2018

Arising Out of PS.Case No. -171 Year- 2016 Thana -AMDABAD District- KATIHAR

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1. Md. Akmal @ Md. Akmal Hussain S/o Md. Akbar , R/o Vill.- Amirabad,
P.S.- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Verma

For the Opposite Party/s : Smt Indu Kumari Srivastava

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
02.04.2018 in connection with Amdabad P.S. Case No. 171 of
2016 for offences punishable under Sections 341/420/376 of the
Indian Penal Code.

The prosecution case by way of complaint being
Complaint Case No. 1948 of 2016 which was converted to Police
Station Case under Section 156 (3) of Cr. P.C. is that the petitioner
and the victim girl Tara Khatoon were cousins and the petitioner
used to come to the house of the said Tara Khatoon and on the
false pretext of marriage, he committed rape on her several times.
On 08.09.2016, petitioner was caught red handed by the mother of



the petitioner and thereafter both the petitioner and the victim girl were married on 19.06.2016. Thereafter the petitioner fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the victim girl as per medical report is stated to be 17 years of age and has been found to have indulged in sexual intercourse several times. He further submits that as per case diary in para 31 on the alleged date of occurrence the petitioner was at Delhi, hence, the allegation of being caught red handed falsifies the case as per CDR report of the mobile of the petitioner. He submits that charge-sheet has already been submitted and the petitioner undertakes not to tamper with the prosecution witnesses.

However, learned counsel for the informant submits that petitioner on the false pretext of marriage has committed rape on her and has fled away to Delhi as per her statement under Section 161 and 164 of the Cr. P.C.

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, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate-1st Class, Katihar, in connection with
Amdabad P.S. Case No. 171 of 2016, subject to the conditions
that:

- (1) One of the bailors would be a close relative of the
petitioner having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below
during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will
entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

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