

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78981 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- MAHILA PS District- Katihar

Md. Nanha, S/o Md. Anwar, R/moh-Mofarganj Argara Chowk, P.S-Katihar,
Distt.-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gazala Khatoon @ Gaxala Praveen, W/O Md. Nanha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Sri Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 17 of 2018 registered under Sections 376, 498(A), 323 and 504 of the Indian Penal Code and Section 4 of the D.P. Act.

The accusation is that petitioner entered in the house of informant-opposite party no.2 in the evening of 25.02.2017 and committed rape on her. Thereafter, Panchayat was arranged on 10.03.2017 and according to the decision of Panchayat, Nikah of the informant was performed with the petitioner. Thereafter, informant went at her Sasural, where she was kept properly some days but thereafter, she was being tortured through various modes. Further allegation is that while



petitioner gave an application on 25.01.2018 at the Mahila Helpline Katihar, but no action was taken.

Learned counsel for the petitioner submits that admittedly, family members of the informant used to reside on rent in the house of the petitioner and when family of the informant was asked to vacate the rented premises then family of the petitioner was threatened, regarding which, an Inflammatory Petition No. 638 of 2017 was filed on 06.03.2017 in the court of Chief Judicial Magistrate, Katihar, before lodging the present case which would appear from annexure to the application due to that reason, the present case has been lodged with false allegation only to give undue pressure.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Kaithar, in connection with Mahila P.S. Case No. 17 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--



