

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57619 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- MAHILA PS District- Katihar

Md. Latif, Son of Md. Anwar, resident of Village- Phulhara, Police Station-
Mansahi, District- Katihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandeep Patil

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 14-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehend his arrest in connection
with Mahila P.S. Case no. 11 of 2018, registered under Section
376, 323 and 506/34 of the Indian Penal Code.

The accusation is that petitioner committed rape
upon the informant, who is handicapped, aged about 15 years,
on allurement of marriage. Thereafter, informant conceived
pregnancy, but petitioner started to give pressure upon the
informant for abortion. In the meantime, informant gave birth
of premature male baby on 01.01.2018 in spite of that she was
being tortured by the petitioner and his family members.

Learned counsel for the petitioner submits that
informant of the present case had already filed Maintenance



Case No. 377 of 2017 in the court of Principal Judge, Family Court, Katihar against the petitioner claiming about developing physical relation by the petitioner and conceiving the pregnancy and performing Nikah with her and later on removing from her matrimonial house, which would appear from paragraph-7 of the petition. Further submission is that present case is lodged by the informant concealing facts of the said case.

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 four 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 Chief Judicial Magistrate, Katihar in connection with Mahila Police P.S. Case No. 11 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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