

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48879 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA PS District- Darbhanga

MD. SAJID, aged about 19 years (M), Son of Abdul Malik Resident of Village- Jetuka, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Naushaba Praveen (Female), aged about 35 years, Wife of Md. Sadique (D/o Md. Alkama) Resident of Village- Dhoshi, P.S.- Ram Nagar Dhoshi, P.S.- Manigachhi, O.P. Nehra, District- Darbhanga, Pin 847233

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Madhusudan Kumar, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      22-01-2020                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Despite service of notice the informant has not entered appearance. Case Diary has been received.

The petitioner is seeking anticipatory bail in connection with Mahila P.S. Case No. 12 of 2019 registered under Sections 323, 313, 376, 498(A), 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner has reiterated his submission saying that the entire allegations against the petitioner who is the younger brother of the husband of the informant and is a student of Intermediate are false, concocted



and baseless. Learned counsel submits that as per her own story the informant was married to the elder brother of this petitioner and out of the said wedlock one daughter who is aged about six years had born. The husband of the informant had gone to Saudi Arab and thereafter it is alleged that this petitioner used to tease her and had forcibly raped her leaving the informant pregnant but when she was carrying a seven months pregnancy then she was asked to abort giving her a promise that she would get married with this petitioner.

Learned counsel submits that in course of investigation the independent witnesses whose statements are recorded in paragraph 26, 27 & 28 of the Case Diary have stated that the informant was mostly residing in her Maiké and they had come to know that out of illicit relationship she had been carrying a pregnancy of seven months which was aborted. The father of the informant had demanded Rs. Three Lakhs for disconnecting the marital relationship between his daughter and the elder brother of this petitioner. It has also come that this petitioner is studying outside. It is the submission of learned counsel for the petitioner that no witness has come forward to say that this petitioner had got any illicit relationship with her and further the nature of allegations made by the informant only



suggest that she wanted to create pressure upon the petitioner to marry as her husband is not coming back and is accepting her.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, however on going through the statements in paragraph 26, 27 & 28 of the Case Diary it is not disputed that in course of investigation it has come that after her husband went to foreign country the informant was living in her Maiké and few months before the witnesses came to know that she was pregnant and had aborted and then she was making allegations against the petitioner.

The informant has not chosen to enter appearance and oppose the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein the material present in the aforesaid paragraphs of the Case Diary which contains the statement of the independent witnesses show that in absence of her husband the informant was residing in her Maiké and then no witness has come forward to say that they had heard about the this petitioner establishing any forceful physical relationship with the informant leaving her pregnant and all of them have stated that she had got the pregnancy while living in the Maiké and further that her father had been demanding Rs. Three Lakhs for



disconnecting the marital relationship between his daughter and her husband, this petitioner is said to be a student, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga, in connection with Mahila P.S. Case No. 12 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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