

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70708 of 2019

Arising Out of PS. Case No.-2507 Year-2016 Thana- COMPLAINT CASE District- Araria

MD. MINHAJ Son of Late Moqeen @ Mokim Resident of Village-Madarganj, Police Station-Simraha, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rehana Wife of Md. Sah Matin Resident of Village-Madarganj, Police Station-Simraha, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 08-07-2020 Heard learned counsel appearing for petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Complaint Case No.2507C of 2016 in which cognizance has been taken for the offences punishable under Section 376 of the IPC.

Petitioner is said to have committed rape on informant by putting her into fear of death.

Submission on behalf of the petitioner is that initially, the complainant lodged Araria Mahila P.S. Case No.38 of 2014 which was dully investigated by the police and after



investigation, police submitted final form showing the accusation untrue and the aforesaid final form was accepted by the concerned court. However, complainant filed a protest petition which was treated as complaint petition, and after due inquiry, the concerned court took cognizance for the offence punishable under Section 354 of the IPC, but the complainant challenged the aforesaid order of the concerned court before learned Sessions Judge and, thereafter, learned Third Additional Sessions Judge quashed the cognizance order and directed the concerned court to pass a fresh order and thereafter, the learned court below took cognizance for the offence punishable under Section 376 of the IPC.

Learned counsel for the petitioner further submits that the complainant has herself admitted in her cross-examination that lis was pending between both the parties. Learned counsel of the petitioner further submits that as a matter of fact, the wife of the petitioner lodged a criminal case against the complainant and others and in retaliation the complainant brought the instant false case against the petitioner.

Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let petitioner in the event of his arrest/surrender within six weeks from the date of



receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) within two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria or his successor in connection with Complaint Case No.2507C of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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