

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71802 of 2019

Arising Out of PS. Case No.-732 Year-2019 Thana- PHULWARISHARIF District- Patna

Md. Fahim, Son of Md. Sadik @ Md. Siddique Shah, Permanent Resident of Mohalla-Azad Nagar, P.O and P.S-Phulwari Sharif, District-Patna at present resident of G-2 Government Apartment Near Old Mosque Isapur, P.O and P.S-Phulwari Sharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mosarrat Perween, Daughter of Md. Afzal and Wife of Md. Fahim, Permanent resident of Mohalla-Azad Nagar, P.O and P.S-Phulwari Sharif, District-Patna at present resident of G-2 Government Apartment Near Old Mosque Isapur, P.O and P.S-Phulwari Sharif, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anis Akhtar, Advocate. Mr. Arif Daula Siddique, Advocate.
For the State	:	Mr.Umanath Mishra, APP
For the Informant	:	Mr. Rananjay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 04-02-2020 Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Phulwari Sharif P.S. Case No. 732 of 2019, registered under Sections 376 and 420 of the Indian Penal Code.

The accusation is that informant, aged about 19 years, after death of her mother used to reside at her parental house along with her father and brothers due to non-availability of female member in the house, her neighbour Md. Fahim



(petitioner) used to tease her. On 04.04.2019, petitioner entered in her house jumping on the boundary wall and forcibly committed rape on her. Again on 13.04.2020, petitioner entered in her house and committed rape on her forcibly. After sometime, she conceive pregnancy then asked the petitioner to perform the marriage but the petitioner did not take any heed.

Learned counsel for the petitioner submits that, in fact, there was love affairs in between the petitioner and the opposite party no. 2 and due to misunderstanding, informant lodged the present case and now petitioner performed the *Nikah* with the opposite party no. 2.

Learned counsel for the opposite party no. 2 submits that after lodging the present case, petitioner perform the *Nikah* with the opposite party no.2.

Having regard to the facts and circumstances of the case, the provisional pre-arrest bail granted to the petitioner vide order dated 27.11.2019 stands hereby confirmed.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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