

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78550 of 2019

Arising Out of PS. Case No.-164 Year-2019 Thana- ISUAPUR District- Saran

Md. Aslam Kuraisi, aged about 37 years, (Male), son of Md. Manir Kuraisi,
residence of Village - Isuwapur, P.S.- Isuwapur, Distt.- Saran at Chapra
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Vijay Kumar, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Isuapur PS Case No.164 of 2019 dated 07.08.2019, instituted under Sections 353, 354, 384, 376, 504, 506 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with others used to tease the informant and forcefully come to her house where she was living as tenant along with her minor



children and under threat, commit rape and take her naked photograph after administering intoxicants for circulation on the social media.

5. Learned counsel for the petitioner submitted that pursuant to order dated 10.09.2020, he has filed supplementary affidavit. However, he submitted that due to inadvertence wrong submission was made that the informant had earlier filed a petition against the father of the petitioner which was dismissed. He submitted that the informant filed another case after the present one, being Isuapur PS Case No.204 of 2019 under Sections 341, 342, 376, 379 Indian Penal Code against the petitioner, his brother and others on 24.09.2019, which was not known to him at the time of filing the present application. On merits, learned counsel submitted that no such incident had taken place and that the petitioner is innocent. He submitted that the informant used to teach the children of the petitioner and there was dispute with regard to money and that is why this false case has been lodged. Learned counsel submitted that there is suppression of vital material facts by the informant as she has not disclosed that she used to teach the children of the petitioner in his house. It was further submitted that the informant was a teacher in a school and has not mentioned about this fact and if



for over a year the petitioner was abusing her then there is no explanation as to why she had not disclosed this fact to her colleagues in the school or to the father-in-law and the husband, which was done after more than one year. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that witnesses have supported the allegations. It was submitted that the petitioner, taking advantage of the informant coming to his house to teach his children, has tried to take undue advantage and also finding her alone with her children living in a rented house, he had abused the petitioner under coercion. However, he did not controvert the fact that the two independent witnesses examined by the police during investigation have stated that the informant was teaching the children of the petitioner in his house and there was altercation due to the petitioner not giving the money demanded by the informant and they had pacified the situation.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with



two sureties of the like amount each to the satisfaction of the S.D.J.M., Saran at Chapra, in Isuapur PS Case No.164 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further that one of the bailors shall be a close relative of the petitioner.

8. The application stands disposed off in the aforesaid terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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