

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5146 of 2020

Arising Out of PS. Case No.-253 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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RAHUL MIYAN, Son of Allauddin Miyan Resident of Village - Dunkan
Road Sundarpur Road, P.S.- Haraiya (Raxaul), District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari D/O Santosh Saraf Resident of Village - Mishra Tola Dunkan
Road Raxaul, Ward No. 4, P.S.- Haraiya (Raxaul), District - East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 03-03-2020 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.253 of 2018 registered for the offences
punishable under Sections 366A, 376, 313/34 of the I.P.C.

Although, there is allegation against the petitioner
that he with the help of other accused kidnapped the
complainant and raped her on several times, but
submission on behalf of the petitioner is that the
complainant was in love with the petitioner and in the Year
2017, she left her home and solemnized her marriage with the



petitioner by her own volition.

However, the father of the complainant lodged Raxaul P. S. Case No.109 of 2018 against the petitioner and others. In the aforesaid Raxaul P. S. Case No.109 of 2018, the statement of complainant was recorded under Section 164 of the Cr.P.C. in which she candidly accepted her marriage with petitioner and also expressed her desire to go with the petitioner.

He further submits that the concerned Court taking into consideration the statement of the complainant granted bail to the petitioner. However, again Raxaul P. S. Case No.237 of 2017 was lodged against the petitioner for kidnapping of informant and in the aforesaid Raxaul P. S. Case No.237 of 2017, again the statement of informant was recorded under Section 164 of the Cr.P.C. and in the aforesaid case, informant admitted that she was in love with petitioner and she expressed her desire to go to the house of the petitioner and taking note of the aforesaid facts, again the Court granted bail to the petitioner. However, when petitioner got bail in both the above stated cases, the complainant under pressure of her family members lodged the present case.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory



bail petition is allowed and it is ordered that 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) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Complaint Case No.253 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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