

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32013 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- NAANPUR District- Sitamarhi

Md. Chand @ Abdul Rahman, Son of Abdul Rashid Rain, resident of Village
- Banaul, P.S. - Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa- Advocate

For the Opposite Party/s : Mr. A.G.

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

ORAL ORDER

3 19-01-2021 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State.

Petitioner is in custody since 09.01.2020 and seeks bail in connection with Nanpur P. S. Case No.281 of 2019 registered for the offences punishable under Section 376 of the I.P.C.

Petitioner is said to have committed rape on informant and when informant made protest, petitioner assured to solemnize his marriage with informant. It is alleged that the petitioner took obscene photographs of the informant and also prepared video film, but subsequently, petitioner refused to marry with the informant. Admittedly, the statement of



informant has been recorded under Section 164 of the Cr.P.C., which has been incorporated at Para-22 of the case diary. The statement of informant recorded under Section 164 of the Cr.P.C. goes to show that she was married lady at the time of alleged occurrence, but in spite of that she established physical relation with petitioner on the promise of marriage. The statement of father of victim has been recorded under Section 161 of the Cr.P.C. at Para-91 of the case diary in which the father of the informant stated that the informant disclosed before him that petitioner established physical relation with her on false promise of marriage as she was in love with petitioner.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the petitioner, above named, 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 Chief Judicial Magistrate, Sitamarhi in connection with Nanpur P. S. Case No.281 of 2019.

(Hemant Kumar Srivastava, J)

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