

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67924 of 2021

Arising Out of PS. Case No.-118 Year-2017 Thana- RIGA District- Sitamarhi

MD. MUKABIL @ MOKABIL, Male, aged about 26 years, Son of Md. Mulajim, Resident of Village - Sakhi, P.S.- Riga, District - Sitamarhi, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar Labh, Advocate
For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Riga P.S. Case No. 118/2017 for the offence registered under Sections 376 and 313 of the I.P.C.

The prosecution story, in brief, is that for last 4-5 months, the informant's co-villager, namely, Md. Mukabil (petitioner) had by giving her enticement to marry her and also by threatening her, sexually exploited her when her father was not at home at night. She got pregnant for three months. On 01.05.2017, Md. Mokabil (petitioner) administered some



medicine to her, resulting in bleeding and stomach pain and when her condition deteriorated and she was brought at Sadar Hospital, Sitamarhi, for treatment. She further alleged that Md. Mokabil (petitioner) had sexually exploited her on false pretext of marriage and also by threatening her and to destroy the evidence, has terminated her pregnancy by administering medicine to her.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. On the pretext of marriage, physical relationship was established between the parties. Subsequently, the marriage could not be solemnized for one reason or the other. It was consensual relationship between the parties. There is no evidence in support of offence under Section 313 of the I.P.C. Learned counsel for the petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sonar-Versus-The State of Maharastra and Ors) reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.



On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Sitamarhi, in connection with Riga P.S. Case No. 118 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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