

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71534 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA PS District- Katihar

Jan Mohammad S/O Abdul Jabbar @ Jabbar Ali Resident Of Village- Hajipur
Shershah Chowk, P.S.- Muffasil, District- Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/S

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, Addl. Public Prosecutor
For the informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner apprehends arrest in a case registered for
the offence punishable under section 376 of the Indian Penal
Code.

It is alleged on 17.08.2022 at 11.30 P.M, while
informant was sleeping with her son aged about one and four
months and her sister Nishad Praveen in her house, then
Mohammad came and slept by her side and forcibly committed
rape with her. It is further alleged that earlier she was married
with Mohammad but later due to his nefarious activity she took
divorce from him and then she married to Md. Wajir and also
took divorced from him.

Learned counsel for the petitioner submits that the
occurrence allegedly took place on the night of 17.08.2022 but
there was 20 days delay in lodging the FIR and there is no
explanation about the delay. The falsity of the present case is



more evident from the facts that similar allegation was levelled by the informant earlier in a complaint case filed in the Court of Learned chief judicial Magistrate, Kathihar filed Complaint Case No. 623 of 2020 against this petitioner, his father and brother under section 376/406/323/504/506/34 of the IPC. The informant is aged about 22 years and had admitted to have filed this case with intent to marry with the petitioner in her statement U/S 164 of Cr.P.C.

Learned counsel for the State and the informant opposed the bail.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Katihar in connection with Mahila P.S. case no. 18 of 2022 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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