

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74984 of 2023

Arising Out of PS. Case No.-2528 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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AHSAN ALI @ MD. AHSAN Son of Late Suleman R/o vill - Kushoul
Devgaon, P.S. - Azamnagar, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sokhina Khatoon @ Saikina Khatoon D/o Mofizuddin R/o vill - Kushoul
Devgaon, P.S. - Azamnagar, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bimal Kumar
For the Opposite Party/s :	Mr. Ajay Kumar Jha
	Mr. Md. Musowir

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant as well as learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 376 of the Indian
Penal Code.

3. Allegedly, the petitioner was married to the
complainant 15 years back and the complainant gave birth to a
male child. It is alleged that the 1st wife of the petitioner and his
son killed the son of the complainant who was just aged about
one month and the petitioner also ousted the complainant out of
her matrimonial house by giving *Talak*. It is further alleged that



the petitioner forcibly raped the complainant for 13 years on the pretext of re-marriage.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the marriage of the petitioner is still existing and no offence u/s 376 of IPC is made out against the petitioner as the petitioner is the legal husband of the complainant. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the petitioner is the legal husband of the complainant no offence u/s 376 IPC is made out against him, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in connection
with C.A. Case No.2528 of 2022, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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