

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30795 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- ABADPUR District- Katihar

Md.Habib @ Habib, Son Of Md. Saifuddin, Resident of Village - Pokhariya
(Barakhor), P.S-Abadpur, Dist- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Aansari Khatoon, Wife Of Noor Alam, Daughter Of Md. Aanish Resident Of
Village- Pokhariya(Barakhor), P.S.- Abadpur, District-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ejaz Akhter Mr.Md. Helal Ahmad Mr.Altamash
For the Opposite Party/s :		Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 376, 307 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case by the informant, who is
his Bhabhi. It is further submitted that the informant alleges that
she was married to the brother of the petitioner and the marriage
was a love marriage and as such, the family members of her
husband were opposing the marriage, but the husband somehow



managed to resolve the dispute and thereafter, went outside for earning. Further, on 31.03.2023, the petitioner forcibly entered her room and committed rape and when she informed her in-laws, they also sided with the petitioner. Thereafter, a Complaint Case No.585 of 2023 dated 05.04.2023 came to be instituted.

4. The learned counsel for the petitioner submits that after the complaint was filed, the complainant realizing her mistake filed an application dated 12.10.2023 seeking withdrawal of the complaint, but before the learned Magistrate could have acted on the application seeking withdrawal of the complaint, the complaint was sent to the police station for instituting an F.I.R. based on which, the instant F.I.R. came to be instituted. The learned counsel next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that her marriage with the brother of the petitioner was a love marriage and it was being opposed by her in-laws and other family members and the husband managed to resolve the dispute and thereafter, went outside to earn. It is next submitted that since in-laws were opposing the marriage of the informant with their elder son, as such, the instant false came to be instituted, but later the complainant realizing her mistake filed an application seeking withdrawal of the complaint, which



amply demonstrates that no such occurrence as alleged ever took place. It is also submitted that the doctor examined the informant, but did not find any sign of rape. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Abadpur P. S. Case No.182 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

