

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83725 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- BENIPATTI District- Madhubani

Abdul Kayum Son Of Md. Bashir Sheikh R/O Village- Husaina, Mehsaul,
Ward No. 13, Rampur Laxmi, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

. ... Opposite Party

Appearance :

For the Petitioner : Mr.Ashhar Mustafa, Advocate

For the Opposite Party : Mr.Harendra Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 448, 420, 406, 354B, 376/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner, for removal of Satan (Devil) from the house, took Rs.1.22 lacs from the informant on different dates. It is alleged that during this period, petitioner developed intimacy with the informant, whose husband was staying abroad, and continuously made physical relation with the informant for about a year. On 1.6.2023, petitioner again entered the house of the informant but on her raising noise, he fled away. Next day, he again entered her house to convince her, but was apprehended by the local people.

4. Learned counsel appearing for the petitioner, while denying the allegations, submits that as a matter of fact



informant had taken loan of Rs.1.50 lacs from the petitioner for treatment of her son. Part transactions indicated in the FIR was in fact return of the same money in multiple instalments. Since part payment was still due and petitioner was insisting for settlement, informant with the view to put pressure, lodged this false case against him. Learned counsel submits that there is variation in the accusation made in the FIR and trail of incidents given by the informant in section 164 Cr.P.C. As per the FIR, petitioner physically abused the victim for a long period from August 2022 to May 2023. However, in her statement recorded in the Court, she alleges that in the preceding year, she was physically abused by co- accused Shabbir and Tamarne and not by the petitioner. As per her statement u/s 164 Cr.P.C., she learnt about the petitioner from Shabbir and Tamarne for the first time in November 2022, thereafter, they started speaking to each other and the petitioner visited the house of the informant only on 01.06.2023 and attempted to ravage her modesty. Petitioner claims clean antecedent. Charge sheet has already been filed. Petitioner is in custody since 2.6.2023.

5. Considering the nature of accusation and the period of custody of the petitioner, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned 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 Additional Chief Judicial Magistrate, Madhubani at Benipati in Benipatti (Madhubani) Police Station Case No. 112 of 2023.

(Prabhat Kumar Singh, J)

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