

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76664 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Karimul Haque Son of Md. Abdul Resident of Kewala Millik, P.S. -
Pranpur, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subera Khatoon Daughter of Daud Ali Resident of Village - Imli Tola, P.O. -
Sahja, P.S. - Mansahi, District - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vinay Ranjan, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar, APP
For the Opp.No.2	:	Mr. Md. Musowir, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 03-07-2025 Heard Mr.Vinay Ranjan, learned counsel for the

petitioner, Mr. Md. Musowir, learned counsel for the

complainant and Mr.Arun Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.106 of 2023, registered for
the offences punishable under Sections 376, 313, 498(A), 379,
120(B) of IPC and Section 3/4 of D.P.Act.

3. As per prosecution case in brief is that the
petitioner used to commit rape upon the complainant on pretext
of marriage. In that course, she became pregnant thereafter on
01.11.2022 he solemnized marriage with her in Civil Court,



Katihar and on next day accused persons terminated her pregnancy by feeding her medicine. Accused persons started demanding dowry and in consequence thereof they used to assault and torture her and drove her out from her matrimonial home.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the complainant has claimed that the petitioner is husband of the complainant. Learned counsel for the petitioner submits that the petitioner has not performed the marriage with the complainant and the complainant has filed the present case only to harass the petitioner. Learned counsel for the petitioner submits that the marriage certificate dated 04.11.2022 is not signed by the petitioner.

5. On the basis of the direction issued to the learned APP for the State, the Superintendent of Police, Katihar has submitted a report in which he has informed this Court that the petitioner has performed the marriage with the complainant, apart from that, the petitioner also provides an affidavit of Notary dated 01.11.2022 which suggests that the petitioner has performed the marriage with the complainant, apart from that,



Mr. Harun Rashid, who has performed the Nikahnama, also informs that he has performed the marriage of the petitioner with the complainant, apart from that, from a bare perusal of the complaint petition it appears that there is very serious allegation against the petitioner.

6. Learned counsel for the complainant and learned A.P.P. for the State, on other other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. In view of the report of the Superintendent of Police, Katihar as well as allegation as alleged in the complaint petition, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Complaint Case No.106 of 2023 pending in the court of learned A.C.J.M., Katihar.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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