

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45211 of 2014

Arising Out of PS.Case No. -179 Year- 2014 Thana -BATHNAHA District- SITAMARHI

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Md. Sadre Alam @ Sadre Alam @ Ful Mohammad Son of Jamil Akhtar @
Gonaur Resident of Village - Koyari, P.s. Bathnchal District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate.

For the Opposite Party/s : Md.Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 07-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 366(A)/34 of the Indian Penal Code and that the victim girl, namely, Khusboo Khatoon after her alleged recovery from her own home, in her statement under Section 164 of the Cr.P.C., had stated that she was taken away by three persons including the petitioner and one Md. Nizamuddin and that Md. Nizamuddin was the husband of her sister, who (Nizamuddin) had in fact abandoned her sister, this court would find the petitioner to be entitled for privilege of anticipatory bail keeping in view that he has got no criminal antecedent.

That being so, if the petitioner, namely, Md. Sadre Alam @ Sadre Alam @ Ful Mohammad surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like

amount to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bathanaha P.S.Case No. 179 of 2014 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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