

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39846 of 2014

Arising Out of complaint Case No. -872 Year- 2013 Thana -PURNIA COMPLAINT CASE
District- PURNIA

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1. Md. Imtiyaz Alam @ Pappu @ Md. Imtiyaj Son of Md. Yakub Resident
of Village - Kamalpur (Khogota), P.S.- Dagarua, District - Purnea
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Tapeswar Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 18-05-2015

Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and Mr. Tapeswar Sharma, APP for the State.

The petitioner faces accusations arising out of a
Complaint Case under Sections 452, 376/511 of the Indian Penal
Code. The allegation is that the victim, while sleeping alone in the
house, the petitioner tiptoed into the house and tried to commit
rape on her.

Counsel for the petitioner has stated that few months
prior thereto, the petitioner had lodged a case against the uncle of
the complainant under Section 376. The Court in course of
examination on solemn affirmation of the victim put questions in
answer whereof the complainant stated that she got married her
daughter 20 years ago. The complainant's son had gone into the
field of the accused and was assaulted. The complainant was also
assaulted by the petitioner owing to that, the present case has been

lodged.

Taking into account the statement of victim on solemn affirmation, I am persuaded to privilege the petitioner the anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in Complaint Case No. 872 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the bail bond of the petitioner shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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