

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6692 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -MAHILA P.S. District- SHEOHAR

1. Md. Noor Alam Ansari @ Noor Alam Son of Wasir Alam, Resident of Village Hirmma, Police Station - Tariyani, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Kumar

For the Opposite Party/s : Mr. Madhuri Lata(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 14-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sheohar Mahila Police Station Case No. 24 of 2015, disclosing offences under Sections 376, 342, 420, 323/34 of the Indian Penal Code.

Learned Counsel for the petitioner submits that no offence under Section 376 of the Indian Penal Code is made out on the basis of allegation contained in the First Information Report as the physical relationship said to have been established between the petitioner and the informant is apparently consensual in nature as there is neither any allegation of use of force nor inducement against the petitioner. It is submitted that the First Information Report

has been instituted for the purpose of mounting undue pressure on the petitioner for oblique reasons.

Considering the contents of the First Information Report and nature of accusation, I find some substance in the submission advanced on behalf of the petitioner.

This application is accordingly allowed.

Let the petitioner, Md. Noor Alam Ansari @ Noor Alam, in the event of his arrest or surrender before the Court below within six weeks, be released on 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, Sheohar, in connection with Sheohar Mahila Police Station Case No. 24 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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