

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22700 of 2016

Arising Out of PS.Case No. -487 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-
 SAHARSA

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1. Zafar Iqbal @ Guddu @ Zaffar Ekwat son of Hakim Khan, resident of
 Village- Sitananbad Uttari, Ward No. 13, P.S.- Simri, Bakhtiyarpur,
 District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Bibi Muzaida Khatoon w/o Md. Nazim Khan, Resident of Village
 Sitanabad Uttari, P.S. Simri Bakhtiyarpur, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 04.07.2016 Supplementary affidavit is filed on behalf of the petitioner
 disclosing his antecedent.

Heard learned counsel for the petitioner as well as learned
 Addl. Public Prosecutor for the State.

Petitioner seeks bail in a complainant case in which
 cognizance has been taken for the offences under sections 376, 354/34
 of the Indian Penal Code.

There is accusation of gang rape against the petitioner as
 well as other accused but submission on behalf of the petitioner is that
 the petitioner has been made accused on the basis of complaint case
 and moreover, earlier he was granted privilege of provisional
 anticipatory bail by a bench of this court vide order dated 12.9.2014
 passed in CWJC no.23396/2014 but subsequently, same bench did not
 confirm provisional anticipatory bail granted to the petitioner as the

petitioner failed to disclose his criminal antecedent.

Learned counsel for the petitioner submits that, as a matter of fact, due to typing error, criminal antecedent of the petitioner could not be disclosed before the concerned bench at the time of consideration of confirmation of provisional anticipatory bail and moreover, petitioner is in jail custody since 4.1.2016 and charge against the petitioner has already been framed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Saharsa in Sessions Trial no. 12/2016 arising out of Complaint Case no. 487C/2011.

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(Hemant Kumar Srivastava,J)

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