

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18998 of 2016

Arising Out of PS.Case No. -77 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Md. Javed Alam @ Md. Javed Alam S/o Ashimuddin @ Alimuddin
resident of Village- Kamalpur, P.S.- Bangaon, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
With Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sadanand Paswan(APP)

For Opp-Party : Mr. Indu Shekhar Dwivedi

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 12-05-2016 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State as

well as learned counsel appearing on behalf of Opposite party

No.2.

This application for anticipatory bail arises out of

Saharsa (Mahila) P.S. case No. 77 of 2015, disclosing offences

under Sections 376,341,323,504,506/34 of the Indian Penal Code

and section 3(i) (x) (xii) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act.

Before filing of the First Information Report, the

informant had filed complaint case No. 3869 of 2015 in the Court

of Chief Judicial Magistrate, Saharsa asserting that she is the wife



of the petitioner. In the complaint case she alleged that the complainant has been tortured by the family members of the petitioner and the petitioner himself. Thereafter the present First Information Report has been filed on 04.12.2015 alleging against the petitioner that he induced the informant for agreeing to establish physical relationship and thereafter teased her. It is alleged that out of the said relationship, the informant gave birth to a girl child. In the First Information Report it has not been mentioned that the informant had got married with the petitioner.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that prosecution case as narrated in the First Information Report is ex-facie absurd and highly improbable.

Learned counsel for the informant, on the other hand, submitted that in view of Section 18 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, this application should not be maintained. I do not find any force in such submission.

Considering the above, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, 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 the

learned Chief Judicial Magistrate, Saharsa in Saharsa (Mahila) P.
S. Case No. 77/2015, subject to the conditions as 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 bonds
shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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