

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27659 of 2016

Arising Out of PS.Case No. -655 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Md. Sarwar Zaman @ Sarwar Zaman Son of Md. Maihuz - Zaman Resident
of Mohalla - Bhikanpur, Police Station Ishakchak, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 29-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner who happens to be Technician of a

Medical College became a devil and on account thereof indulged

in lecherous activity with the informant Soni Devi while she was

inside consultation room and for that, instant case had been

registered on the written report of the informant. From the order

impugned it is evident that police had submitted charge sheet

under Section 354 (B) of the I.P.C., the learned Chief Judicial

Magistrate differing there from took cognizance under Sections

376/511 of I.P.C.

It has been submitted on behalf of the petitioner that

at an earlier occasion petitioner had come up for anticipatory bail in a Cr.Misc.No.47906 of 2014 and the same was found non-maintainable in the background of submission having been at the end of the petitioner that petitioner was enjoying police bail.

It has also been submitted that actually petitioner was not on police bail rather he was summoned by the police whereafter he appeared and after statement, he was let off. Therefore, instant petition is maintainable and be considered on its own merit.

It has further been submitted that whatever allegation has been attributed by the informant happens to be false and frivolous, and further, the same has been leveled at the hands of enemies of the petitioner. So submitted that petitioner should be released on anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer.

It happens to be a case of gross misconduct as well as mistrust.

That being so, I do not find it a fit case for grant of anticipatory bail.

Accordingly, prayer for anticipatory is rejected.

However, petitioner is directed to surrender before

the learned court below with a prayer for bail which the learned court below will consider on its own merit without being prejudiced by this order.

(Aditya Kumar Trivedi, J)

AnilKrSinha/-

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