

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56668 of 2015

Arising Out of PS.Case No. -3215 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

Md. Alamgir son of late Md. Mustafa resident of Village - Ghuski
Durgapur, P.S. - Barari, District - Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Manwara Khatoon daughter of Nooman Ali resident of Village - Ghuski
Durgapur, P.S. - Barari, District - Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Adv.
Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar(App)

For the complainant : Mr. Rajendra Prasad, Sr.Adv.
Mr. Pramod Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 26-02-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned counsel, appearing on behalf of the

complainant.

This application for grant of anticipatory bail arises out of
Complaint Case No. 3215/2013, disclosing offences under
sections 376, 342 and 120B of the Indian penal Code.

It appears that earlier the complainant had filed a
complaint case bearing No. 111/2013 against the petitioner, his
father and his mother, which was forwarded to the police under
section 156(3) of the Code of Criminal Procedure, 1973 and
accordingly, Barari (Semapur) P.S.Case No. 24/2013 was



registered for the offences punishable under sections 376, 309, 342 and 120B of the Indian Penal Code. The police upon investigation found the case to be false and filed final report on 26.4.2013. Thereafter the present complaint case came to be filed, on the basis of which cognizance has been taken.

Learned counsel, appearing on behalf of the petitioner, submits that it is highly improbable that the petitioner, his father and mother would participate in commission of offence of the nature alleged. He also submits that the police found the case to be false on investigation and therefore, no purpose would be served by taking the petitioner into custody, since he is ready to appear before the court at each and every stage, as and when required.

Learned counsel, appearing on behalf of the complainant, on the other hand, has opposed the prayer for bail contending that taking into account the gravity of the offence and the statement of the witnesses examined on Solemn Affirmation, the petitioner does not deserve the privilege of anticipatory bail.

However, considering the facts and circumstances, in which the petitioner, his father and mother have been implicated in a case of this nature and the fact that the police found the allegation to be false upon investigation, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 Sri Sunil Kumar III, Judicial Magistrate, 1st Class, Katihar in Complaint Case No. 3215/2013, subject to the conditions as laid down under section 438(2) Cr.P.C.

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)

Surendra/-

U			
---	--	--	--