

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4485 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -MAHILA P.S. District- PATNA

Sarfaraz Khan @ Imam @ Alam son of Shakil Ahmad Khan, resident of
village- Paithan Babai, P.S.- Manigachhi (Via Sakri) District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ansuaiya Jaiswal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 02-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 354,
323 and 504 of the Indian Penal Code.

The prosecution case is that the informant
is a student of Maulana Azad Engineering College whereas the
petitioner is also student of the same college and used to tease
and address informant in vulgar language. On the alleged date of
occurrence when the informant got down from the college bus
the petitioner not only addressed informant in vulgar language
but on protest being made by the informant he abused and threw
the mobile of the informant.



It is submitted by learned counsel for the petitioner that the petitioner and the informant are known from before and none of the students travelling in the bus or any person of the place where the occurrence took place have supported the accusation. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent and sister of the informant also lodged similar case against some other person being Barauni Refinery P.S. Case No. 411 of 2015.

It is submitted by learned counsel for the informant that due to the apathetic attitude of the petitioner the informant is not in a position to attend the college and still the petitioner threatening the informant.

It is further submitted by learned counsel for the informant that since the petitioner has to appear in the examination in the college hence, the informant manipulating the case for not allowing the petitioner to appear in the examination.

Considering the nature of accusation and the education career of the petitioner, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on

furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Patna Mahila P.S. Case No. 52 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below, if no substantive proof comes that the petitioner has misbehaved with the informant.

(Dinesh Kumar Singh, J)

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