

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13501 of 2016

Arising Out of PS.Case No. -382 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Ahasan Alam @ Md. Ahasan Alam S/o Md. Alam Resident of Village-
Ghorasahan, P/s Ghorasahan, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mrs. Indu Bala Pandey(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 366A/34 of the Indian Penal Code.

The learned counsel appearing on behalf of the petitioner submits that the entire prosecution version, as disclosed in the F.I.R. vide Annexure-1, is false and concocted one. According to him, no occurrence in the manner alleged has ever taken place, rather the victim- Priyanka Kumari has solemnized her marriage, after change of her religion, with the petitioner. It is pointed out that the alleged victim- Priyanka Kumari, who, after change of her religion is known as Tanishka Praveen, has been recovered and her statement under Section 164 Cr. P.C. has been recorded by the learned S.D.J.M., Sikrahana vide Annexure-2, wherein she has given a complete go-bye to the entire prosecution version and she has admitted that she has married with the petitioner and wanted to live with him.

The learned Additional Public Prosecutor, appearing on

behalf of the State though has opposed the prayer for anticipatory bail, but has not disputed the aforesaid submissions made on behalf of the petitioner.

Be that as it may, in the facts and circumstances of the case and taking into consideration the statement of the victim girl recorded under Section 164 Cr. P.C. vide Annexure-2, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of his arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana (Dhaka), East Champaran at Motihari, in connection with Ghorasahan P.S. Case No. 382 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the Court below showing his relationship with the petitioner,
- (B). if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioner shall make regular pairvi in the court

below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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