

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 38366 of 2016**

Arising Out of PS.Case No. -78 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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Tauqeer Alam @ Md. Taukir Alam, son of Abdul Razzaque, Resident of  
Village – Nunia Toli, Police Station and District – Kishanganj.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Md. Rashid Alam

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 17-09-2016 Heard Mr. Md. Rashid Alam, learned counsel for the  
petitioner and Sri Jitendra Kumar Singh, learned Addl. Public  
Prosecutor.

The sole petitioner, apprehending his arrest in  
Kishanganj P.S. Case No. 78 of 2016 registered for offence under  
Sections 447, 435, 506, 34 of the Indian Penal Code, has prayed  
for grant of bail in the event of his arrest or surrender.

By way of referring to F.I.R., learned counsel for the  
petitioner submits that on an allegation made by own uncle of the  
petitioner, the present F.I.R. was lodged for offences, which were  
all bailable i.e. Sections 447, 435, 506 & 34 of the Indian Penal  
Code. However, during investigation, it was high-handedness of  
the police that police arrested father and cousin of the petitioner  
and in bailable offence, before forwarding them to the court, the

investigating officer filed an application before the court below for addition of Section 436 in place of Section 435 of the Indian Penal Code, only with a view to justify the arrest and forwarding them before the Magistrate. Thereafter, Section 436 of the Indian Penal Code has been added. He submits that since non-bailable offence was added on 15-06-2016, whereas, the F.I.R. was lodged on 20-03-2016, the petitioner deserves to be granted anticipatory bail.

Keeping in view the fact that F.I.R. was lodged for offences, which were bailable and after long delay, Section 436 of the Indian Penal Code has been added, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Tauqueer Alam @ Md. Taukir Alam be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, District - Kishanganj in connection with Kishanganj P.S. Case No. 78 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Rakesh Kumar, J.)**

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