

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13554 of 2016

Arising Out of PS.Case No. -62 Year- 2014 Thana -BAHADURGANJ District- KISANGANJ

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Md. Ansar Alam @ Ansar son of Bongadha resident of Village- Dohmani
Police Station Bahadurganj in the district of Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-05-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 363, 366A, 376, 372 and 379 of the Indian Penal Code.

Though, the petitioner, besides others, is named in the first Information Report vide Annexure-1 as an accused and is alleged to have participated in the commission of crime in question, but taking into consideration the fact that the main accused Md.Allauddin was put on trial and has been acquitted by the learned trial court by judgment and order dated 11.09.2015 passed in Sessions Trial No. 1054 of 2014 by the learned 1st Additional Sessions Judge, Kishanganj, as contained in Annexure-3, on the ground that neither the alleged victim nor her mother has supported the prosecution version during the course of trial and their evidence have been brought on the record as Annexure-2 series, 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 released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S.Case No. 62 of 2014, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her 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 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 bond of the petitioner.

(Birendra Prasad Verma, J)

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