

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37913 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MAHILA P.S. District- KISANGANJ

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Md. Naushad Alam @ Naushad Alam S/o Md.Nuhu resident of Village-
Shahpur, P.S.- Kochadhaman, Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard the learned counsel for the parties.

The petitioner is apprehending his arrest in Kishanganj (Mahila) P.S. Case No.10 of 2017 registered for the offences under Sections 341, 342, 376, 379, 323 and 506/34 of the I.P.C.

The informant has alleged that on 28th March,2017 the son of this petitioner entered the house of the informant and committed rape upon her. The informant raised alarm and on hearing her alarm mother-in-law, father-in-law and villagers came there and they caught the son of the petitioner. They assaulted him and when they were going to hand him over to the police this petitioner along with other co-accused persons intercepted them and snatched the accused Masrur Alam from their custody and fled away with their motor cycle.

Learned counsel for the petitioner submits that the allegation of rape is against the son of the petitioner and only allegation against this petitioner is to rescue his son from the



clutches of the family members of the informant. It has been submitted that on the date of occurrence the family members of the informant assaulted the son of the petitioner and snatched cash from the son of this petitioner for which this petitioner lodged a case bearing Kochjadhama P.S. Case No.42 of 2017 for the offence under Section 307 and other allied sections of the I.P.C. It is further submitted that after lodging of the case of this petitioner the present case has been lodged after delay of eight days only to save her skin from the criminal case.

Learned A.P.P. opposed the prayer for bail of this petitioner.

Considering the nature of allegation as well as fact that the present case has been lodged after institution of the case of the petitioner, prayer for anticipatory bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., Kishanganj in Kishanganj (Mahila) P.S.Case No.10/17 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Kumar, J)

AnilKrSinha/-

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