

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39267 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Shabir Alam, Son of Safiruddin,
2. Tanweer Alam, Son of Safiruddin
Both R/o Village- Manjhauk, P.S. +District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Kishanganj

P.S. Case No. 56 of 2017 instituted for the offence under Sections

341, 323, 325, 354, 379 and 34 of the Indian Penal Code.

In the written report it is alleged that Tanweer Alam

(petitioner No. 2) along with petitioner No. 1 caught hold the

informant and pushed her down on the ground and Shabir Alam

(petitioner No. 1) disrobed her and tried to commit illegal act with

her. When she attempted to run away, then Tanweer Alam caused

injury in her right hand.

Case diary has been received.

The statement of victim girl recorded under Section



164 Cr. P.C. is available in paragraph-21 of the case diary wherein she has leveled specific allegation against petitioner No. 1 that he attempted to commit illegal act with her.

In such circumstances, this Court is not inclined to grant anticipatory bail to petitioner No. 1 namely, Shabir Alam.

Prayer for anticipatory bail of petitioner No. 1 namely, Shabir Alam, stands rejected.

So far as petitioner No. 2 namely, Tanweer Alam is concerned, it is alleged that he caused injury to the informant with knife, but there is no injury on the person of the informant. Therefore, prayer for anticipatory bail of the petitioner No. 2 namely, Tanweer Alam, is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with Kishanganj P.S. Case No. 56 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Kishanganj, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date



fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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