

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51312 of 2017

Arising Out of PS.Case No. -361 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mazid Ansari S/o Hakim Ansari, R/o Village- Haruani, P.S.- Dhaka,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in Dhaka P.S.Case
No. 361 of 2016 registered under Sections 341, 323, 376, 354A,
406, 420, 504, 506 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that he
has no criminal antecedent. The informant has made allegation
against the petitioner and his family members to perform Nikah.

It is alleged in the instant petition that firstly the
complainant and the villagers held Panchayat. The petitioner and
his family members agree to perform Nikah of the petitioner with



the complainant. It is also alleged that on 28.09.2016 when the complainant was going to her Nani's house, the petitioner took her to his house and on pretext to perform Nikah with her, he established physical relationship with her. He committed such act with her further on one or two occasion. The petitioner ultimately did not perform Nikah. The demand of dowry was made by the petitioner and his family members.

From the narration made in the complaint it appears that the alleged occurrence of establishing physical relationship took place on 28.09.2016 whereas complaint was lodged on 08.11.2016. The case diary has been received. There is no statement recorded of victim girl under Section 164 Cr.P.C. There is no mention in the medical report about illegal act committed by the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of his surrender/arrest of the petitioner, named above, within six weeks from today in connection with Dhaka P.S.Case No. 361 of 2016, he shall be released on anticipatory bail on furnishing bail bond of 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, 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.

(Sanjay Priya, J)

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