

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59385 of 2018

Arising Out of PS.Case No. -43 Year- 2014 Thana -MAHILA P.S. District- MADHEPURA

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Md. Nasar S/o Md. Nisar , R/o Vill.- Paina, P.S.- Chousa , District-
Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh

For the Opposite Party/s : Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in a case instituted
for the offences under Sections 376 and 120B of the Indian
Penal Code.

It has been alleged that informant is a maid-servant and
her husband is living at Patna, her neighbor Asma Khatoon with
her husband Md. Belal came to her and told her to file a false
case of rape against Md. Gafur, Parvej and Firiyaaz for which
the informant denied then they threatened to kill her husband
and her children, then the informant ready to file false case. It
has further been alleged that Asma Khatoon and her husband
Md. Belal brought the informant with her two children forcibly
to Village – Paina by a vehicle and kept them for two days and
thereafter they alongwith their associate Md. Nasar (petitioner)



brought the informant to Madhepura in a Hotel where Md. Nasar forcibly established physical relation with her in the whole night.

Looking to the nature of allegation and the statement made under Section 164 of the Code of Criminal Procedure as she never raised any alarm while she stayed at Hotel in Madhepura, so it creates a very suspicious action that she was forcibly put to sexual assault.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Md. Nasar, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Madhepura in connection with Madhepura Mahila P.S. Case No.43 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that as and when the police party will call him for investigation or interrogation, the petitioner will have to remain physically present himself, in failure to co-operate during course of investigation and join for interrogation the police will be at liberty to file an application for cancellation of bail.

(Shivaji Pandey, J)

Vinay/Sunny

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