

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73492 of 2018

Arising Out of PS. Case No.-55 Year-2017 Thana- MAHILA PS District- Katihar

Md. Sanowar Alam @ Sanwar Son of Late Tamijuddin Resident of Village-
Chikni tola, P.S. Abadpur, Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Sri Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 354A, 354B, 323, 506 of the Indian Penal Code and Section 5 of Immoral Traffic (Prevention) Act.

The prosecution case as per the written report of Juli Khatoon submitted to the Superintendent of Police, Katihar is to the effect that the informant was married with the petitioner about four years prior to the lodging of the case. It is alleged that the petitioner used to force the informant to have physical relationship with some other people. On 01.08.2017 the petitioner came and tried to resolve the issue and take the



informant to his house. It is further alleged that for five days she was kept well thereafter on 06.08.2017 at 6.00 P.M. the petitioner came along with one unknown person and the petitioner asked the informant to have physical relationship with him for which petitioner has received Rs.5,000/-. When the informant did not agree for the same then the petitioner disrobed her and thereafter, the informant went to her parent's house.

It is submitted by learned counsel for the petitioner that earlier Complaint Case No. 270 of 2016 was filed on 09.02.2016 with accusation under Section 498A of the Indian Penal Code in which the petitioner was granted anticipatory bail on 20.07.2017 thereafter, the present case was filed on 10.08.2017, however, accusation is dated 06.08.2017. It is further submitted that since the informant came to know that the petitioner was granted bail in earlier case, the present case has been lodged maliciously. The inconsistency further reflects from the fact that the informant went to the petitioner's house in the background of cordial relationship. The petitioner is accused in other cases in which he is on bail.

Learned APP submits that the petitioner being the husband has committed serious offence.

Considering the nature of accusation particularly the



inconsistency between earlier complaint and the present case, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Katihar in connection with Katihar Mahila P.S. Case No. 55 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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