

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25351 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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Md. Altaf @ Altaf Alam, S/o Md. Khurshid, R/o Vill.- Shahganj, Salimpur,
P.S.- Kasma, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Talat Parveen @ Talhat Parveen, D/o Asif Marhoom, R/o Vill.-
Tetarchak, P.S.- Kasma, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.
For the informant : Mr. Shailesh Kumar Singh, Advocate.
For the Opposite Party/s : Smt. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 43 of 2017 instituted for the offence under Sections 376,
452, 379, 323 and 120(B) of the Indian Penal Code.

As per allegation in the complaint petition the
complainant had gone on 8.8.2016 to withdraw money from ATM
and was waiting for Tempo in bus stand where this petitioner met
her and took her on the bike. On the way, he talked with her for
marriage which was objected by the complainant since the
petitioner was already married. On 7.1.2017 this petitioner went to



the house of the complainant and proposed to perform marriage with the complainant. It is alleged that petitioner committed rape with her and made porn video. The complainant informed her family members who went to the house of petitioner but they were abused by the petitioner and his family members.

Learned counsel for the petitioner has submitted that for the same date of occurrence the informant has filed Kasma P.S. Case No. 49 of 2017 which was investigated by the police and after investigation, the police submitted final form which has been enclosed as Annexure-2 series. In the Solemn Affirmation of the complainant which is available in the complaint petition, she has stated that this petitioner proposed to perform marriage with her. She did not agree then petitioner established physical relationship with her.

In this manner, this Court finds that both the parties were knowing to each other and earlier for the same occurrence, the police had investigated the case and submitted final form.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 43 of 2017**, he shall be released on anticipatory bail on furnishing bail



bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Aurangabad**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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