

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45206 of 2018

Arising Out of PS.Case No. -648 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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Hasmuddin Miyan @ Md. Hasmuddin miya, S/o Late Mobarak Miyan, R/o
Turkauliya Bazar Near Masjid, P.S. Turkauliya, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Turkauliya**
P.S. Case No. 648 of 2016 instituted for the offence under
Sections 354(B), 376 and 511 of the Indian Penal Code.

It is alleged in the written report that petitioner caught
hold the hands of the informant and tried to outrage her modesty.

Counsel for the petitioner has submitted that there is
general and omnibus allegation against the petitioner. It has
further been submitted that in paragraph 7 of the case dairy the
husband of the informant does not support the allegation against
petitioner. The court below has mentioned in the impugned order
that independent witnesses in paragraphs 8 and 9 of the case diary
have also not supported the case of prosecution.



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 **Turkauliya P.S. Case No. 648 of 2016**, 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, Motihari, 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 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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