

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20794 of 2018

Arising Out of PS.Case No. -608 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

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Md. Nawazu S/o Mahiyu..din, R/o Village- Gheghha Toli, P.S.-
Powarkhali, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lal Mani Nisha W/o Patharu, R/o Village- Gheghha Toli, P.S.-
Powarkhali , District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh, APP

For the Informant : Mr. Amal Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 20-04-2018

Heard learned counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

The petitioner is apprehending his arrest in a protest –cum- complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 354B of the Indian Penal Code.

The prosecution case is that on 20.02.2016 at 9.00 P.M. the complainant had gone for ease out and when she was returning to house, the petitioner caught hold of the



complainant and dragged her to his house forcibly by giving threat of his life, thereafter, he established physical relation with the complainant. On alarm being raised, the neighbours came and opened the door.

It is submitted by learned counsel for the petitioner that on conclusion of the investigation the petitioner has not been sent up for trial and on the basis of protest-cum-complaint the cognizance has been taken. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that there is specific accusation against the petitioner.

Considering the fact that on conclusion of the investigation the petitioner has not been sent up for trial coupled with statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 Sub-divisional Judicial Magistrate, Kishanganj in connection with Complaint Case No. C-



608 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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