

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14094 of 2018

Arising Out of PS.Case No. -1814 Year- 2017 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Sakir Alam, son of late Mubaraque Ali, resident of village-Simariya
Nayatola, P.S-Korha, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. Gulshan Aara, wife of Shamim Akhtar, aged about 35 years, resident
of village- Simariya, Nayatola, Police Station- Kodha, District-
Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 16-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory bail
in connection with Complaint Case No.1814 of 2017, registered
for the offence punishable under Sections 448, 376 and 511 of the
Indian Penal Code.

Allegation has been made that the petitioner has
forcibly established physical relationship with the complainant.
On the next date, the complainant went to lodge criminal case,
but the Police refused to register the case and the Court below on
the basis of statement made by the complainant took cognizance
in the case.



Learned counsel for the petitioner submits that one month earlier the wife of the present petitioner had lodged a criminal case against the husband of the present complainant and this is the outcome of the earlier case. He further submits that it is completely and false and fabricated case.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for bail is rejected. However, if the petitioner surrenders before the Court below within three weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order on the same day without being influenced by the order of this Court.

(Shivaji Pandey, J)

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