

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3466 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Iqbal Ahmad, aged about 48 years, Male, Son of Md. Islam, Resident of
Imlital, Danapur, P.S. Danapur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Janardan Prasad Singh, Sr. Adv. Mr. Bishwanath Chaudhary, Adv. Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Upendra Kumar, Adv. Mr. Brisketu Sharan Pandey, Adv. Ms. Kumari Shubham, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his
arrest in connection with Town P.S. Case No. 348 of 2018
registered for offences under sections 420, 406, 376 of the
Indian Penal Code.

An allegation has been made that the petitioner has
developed acquaintance with the Complainant, victim lady and
established sexual relationship with her on the pretext of
providing a job. Later on, he started to demand Rs. 50,000/- for
making arrangement of the job but, after sometime, he closed
his mobile and did not respond positively.



In the statement made under Section 164 Cr.P.C., the Complainant, victim lady, has changed the story and stated that she was working in a sandal shop for 2.5 years and there, the relation developed with the petitioner, whereafter, physical relationship was established and she also gave Rs. 50,000/- to the petitioner.

In the First Information Report, the victim lady has not mentioned any specific place of meeting with the petitioner but, in the 164 statement, she has mentioned about Sandal shop where the petitioner met with her. Both are completely a vague statement and contradictory to each other and, thus, it is very difficult to place reliance over the statement made by the Complainant that the person, who is doing a business, will visit Muzaffarpur and establish physical relationship particularly when the lady has not given any particular place of meeting point with the petitioner.

Learned counsel for the Complainant has vehemently objected the submissions made by the petitioner and submitted that the incident has taken place with her, on that account, she has come forward and lodged a case against the petitioner.

Looking to the entire facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on 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, Muzaffarpur in connection with Town P.S. Case No. 348 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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