

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.166 of 2019**

Arising Out of PS. Case No.-68 Year-2018 Thana- MAHILA P.S. District- Kishanganj

Md. Asghar Alam, aged about 25 years, son of late Md. Basiruddin, resident of village-Line Khanka Chowk, P.S. + District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL ORDER

2      10-01-2019                      Heard learned counsel for the petitioner and  
learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Mahila P.S. Case No. 68 of 2018, registered for the offence punishable under Sections 376, 323, 504 and 506/34 of the Indian Penal Code.

Allegation has been made that the petitioner has established physical relationship with the victim for last few years and he always assured for entering into the marriage with her. On 29.08.2018 she could know that the petitioner is already a married person, when she asked this fact to the petitioner, she was abused and assaulted by the petitioner.

Learned counsel for the petitioner submits that this case has been lodged on account of fact that the husband of the



victim had taken money from the petitioner and agreed to return the same, which is clear from Annexure-2, which discloses that there was a transaction of Rs.50,000/-, which was to be returned by the husband of the victim, but with an intention to misappropriate the money, the present case has been lodged. It has further been stated that the victim herself is a marriage lady having 2-3 children.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Md. Asghar Alam, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Kishanganj, in connection with Mahila P.S. Case no. 68 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Shivaji Pandey, J)**

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