

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.188 of 2019

Arising Out of PS. Case No.-247 Year-2018 Thana- BARSOI District- Katihar

MD. Aftab Alam @ Md. Aftab, aged about 17 years, Male, Son of Md. Abbas, Resident of Village - Manaikhar, P.S.- Barsoi, District- Katihar through his natural guardian i.e., mother namely Khanam Khatoon, wife of Md. Abbas, resident of Village - Manaikhar, P.S.-Barsoi, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anora Khatoon, aged about 17 years, female, Daughter of Md. Arif Resident of Village - Manaikhar, P.S.- Barsoi, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah
For the Respondent/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 10.01.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar, in Barsoi P.S. Case No.247/2018 corresponding to G.R. No.4012/2018 instituted under Sections 376, 312, 511, 506 of the Indian Penal Code and Section 4 of the POSCO Act and Section 4 of the Dowry Prohibition Act, whereby he has rejected the bail application of the petitioner.

Allegation against the petitioner is to have established physical relation with the informant on the false promise of marriage.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that in order to grab the property of petitioner, a false case has been cooked up by the informant. Both the parties are agnates. Petitioner has no criminal antecedent and he is in custody since 09.10.2018.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated 10.01.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar is set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar in connection with Barsoi P.S. Case No.247/2018 corresponding to G.R.



No.4012/2018 subject to the condition that:-

One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

Sanjay/-

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