

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13491 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- TATARPUR District- Bhagalpur

MD. ABDUL SATTAR @ SATTAR WARSI @ MD. ABDUL SATTAR
WARSI, aged about 55 years, Male, son of late Md. Jalil Khan, resident of
Mohalla Nawab Colony, P.s. Mojahidpur, district Bhagalpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Manoj Kumar, Adv.
For the Opposite Party : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
02.12.2018 in connection with Tatarpur P.S. Case No. 187 of
2018 for the offences alleged under Section 376 of the Indian
Penal Code and under Section 4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is
that one Md. Ali @ Md. Ali Khan whom she got involved
telephonically has indulged in physical relationship with the
informant promising marriage, but, has later refused to marry. It
is, further, alleged that the petitioner who is the uncle of Md. Ali
has forcibly taken signature of Rs.1,50,000/- to be loan from her
father.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that co-accused, Md. Ali, along with his father, has already been granted the privilege of pe-arrest bail by this Court in Cr. Misc. No. 77793 of 2018, dated 02.01.2019, and the allegation against the petitioner of scrupulously taking signature of the informant's father for loan of Rs.1,50,000/- is not based on any cogent evidence. The informant is a major of 23 years and it was a consented relationship.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Tatarpur P.S. Case No. 187 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, VII, Bhagalpur.

(Nilu Agrawal, J)

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