

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26871 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- UCHKAGAON District- Gopalganj

Imteyaz Alam, aged about 40 years, Male, Son of Late Mohammad Hassan,
Resident of village- Musehari, P.S. Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-04-2019 Heard both sides.

Petitioner apprehends his arrest in Uchakagaon P.S.
Case No.41 of 2017, registered under Sections 366(A) and 376
of the Indian Penal Code and under Sections 8, 9 and 10 of the
POCSO Act.

The informant filed a complaint case which was sent
for registration and investigation on the basis of which the
present case was registered. The informant in sum and substance
alleged that Arif Alam used to stalk her while she was going to
her school. The sister of Arif Alam took her and thereafter Arif
Alam and Mushtaq forcibly got her seated in a Bolero vehicle
and Arif Alam kidnapped and confined her in a room. She
further alleged that Arif Alam committed rape with her and also
snapped her naked photographs but some how she returned and



the accused persons assured to get her married with Arif Alam but Arif Alam did not solemnize marriage with the victim.

Learned counsel for the petitioner submits that the petitioner is brother-in-law of Arif Alam. From perusal of the contents of the FIR itself, it would appear that the informant did not name the petitioner anywhere in the FIR except at the fag end of the FIR and alleged that the petitioner had also assured the informant to get her married with Arif Alam but later on the petitioner threatened to get her photographs viral. It is submitted that other accused persons, the sister, mother and brother of Arif Alam have already been granted anticipatory bail vide order dated 07.07.2017 passed in Cr. Misc. No.29689 of 2017 by a coordinate Bench of this Court. The case of the petitioner stands on the better footing.

Taking into consideration the facts that petitioner happens to be brother-in-law of Arif Alam against whom the informant made allegation of kidnapping and rape and only allegation against the petitioner is that he had threatened to get her photographs viral, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned A.D.J./Special Judge, POCSO, Gopalganj in connection with Uchakagaon P.S. Case No.41 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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