

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31218 of 2019

Arising Out of PS. Case No.-96 Year-2018 Thana- MAHILA P.S. District- Nalanda

MD. SARWAR @ MD. SARWAR SHAH Son of Md. Rijavan Sah Resident
of Mohalla-New Mirdad, P.S-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Nalanda Mahila P.S. Case No. 96 of 2018, disclosing offences under Sections 354(B), 506 and 456 of the Indian Penal Code, including Section 8/12 of the POCSO Act.

The FIR was registered on 16.09.2018. The informant has alleged in the FIR that the petitioner entered into her house and attempted to commit rape on her.

Learned counsel for the petitioner has submitted that nearly two months ago on 06.07.2018 the petitioner had filed an informatory petition, a copy of which has been placed by way of Annexure-2 to this application, before the Chief Judicial Magistrate, Biharsharif, Nalanda to the effect that the petitioner and the informant wanted to marry each other and they had in fact married each other in accordance with the Muslim rites and there was apprehension that the family members of the informant would eliminate her. He has further submitted that



there is no chance of the petitioner fleeing away from the course of investigation or trial. He also submits that a false case has been got registered under the influence of the family members of the informant.

Considering the statements made in the informatory petition, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned ADJ-1, Bihar Sharif, Nalanda, in connection with Nalanda Mahila P.S. Case No. 96 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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