

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31753 of 2019

Arising Out of PS. Case No.-1427 Year-2017 Thana- COMPLAINT CASE District- Banka

MD. SAMID ALAM @ MD. SAMIR ALAM @ SAMIR ALAM Son of
Abdul Mannan @ Md. Mannan Resident of Village - Nathnagar K.B. Lal
Road, near the P.S., P.S.- Nathnagar, Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sarwari Khatoon D/o Md. Sidhit Resident of Village - Shabhanpur Post
Katoriya, P.S.- Amarpur, Distt - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-08-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.1427/2017, registered for offences
punishable under Sections 323, 376, 511 and 34 of the Indian
Penal Code.

Allegation as per the complaint petition is that one co-
accused Mod. Sakir and the petitioner came to her house and
Md. Sakir put some cloths in her mouth and committed rape
upon her.

Submission of the learned counsel for the petitioner is
that as a matter of fact Md. Sakir is the husband of the



complainant and a divorce case is going on between the parties and due to that Md. Sakir and the petitioner, who is friend of Md. Sakir, has been made accused in this case to put pressure in the divorce case.

Heard learned A.P.P. and the learned counsel for the complainant.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Banka in connection with Complaint Case no.1427/2017 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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