

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34510 of 2019

Arising Out of PS. Case No.-1009 Year-2012 Thana- COMPLAINT CASE District- Araria

Rahmat Mian @ Md. Rahmat S/O Qasim Resident of village- Shankarpur,
Aurahi, Pacchim, P.S. Forbesganj, (Simraha), District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Saran W/o Md. Ilyas Resident of village- Shankarpur, P.S. Forbesganj,
(Simraha), District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed this instant application for grant of anticipatory bail in connection with Complaint Case No. 1009C/2012, registered for offence under Sections 147, 447, 363, 365, 366 and 504/34 of the Indian Penal Code but cognizance has been taken under Sections 323 and 365 of the Indian Penal Code.

Initially Farbisganj (Simraha) P.S. Case No. 152 of 2006 was filed, wherein petitioner was one of the accused. However, on conclusion of investigation, final form was submitted in the case. A protest-cum-complaint petition was



filed on behalf of O.P. No. 2 and the case proceeded on the said protest-cum-complaint petition and cognizance was taken under Sections 323 and 365 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the case i.e. Forbesganj (Simraha) P.S. Case No. 152 of 2006 was investigated and not finding the case to be true, final form was submitted against the petitioner. Further, there is no specific and direct allegation against the petitioner. It is further submitted that the case of the petitioner stands on a similar footing to one of the co-accused Md. Shoib @ Md. Shoib Alam, who has been granted bail vide order dated 07.04.2017 passed in Cri. Misc. No. 15370 of 2017.

Learned APP appearing for the State opposes the application for anticipatory bail stating that there are allegations against the petitioner in the protest-cum-complaint petition.

Having heard the counsel for the parties and considering the fact that one of the co-accused has been granted bail as stated above, the petitioner namely, Rahmat Mian @ Md. Rahmat, is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall 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 learned C.J.M., Araria in connection with Complaint Case No. 1009C of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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