

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62029 of 2018

Arising Out of PS. Case No.-718 Year-2016 Thana- COMPLAINT CASE District-
Kishanganj

=====

Mohammad Alauddin @ Alauddin Son of Late Sabul Hussain, Resident of
Village- Sripur Dahibhat, P.S. Dighal Bank, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-01-2019 Heard the learned counsel for the petitioner, the

informant and the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. C-718 of 2016

instituted for the offences under Sections 354(B), 323, 504,

506, 34 of the Indian Penal Code.

The petitioner is alleged to have attempted to

outrage the modesty of the prosecutrix and when he was

taken into captivity by the villagers, who had assembled at

the place of occurrence, another co-accused person managed

to get the petitioner extricated from the clutches of the

villagers.



The learned counsel for the petitioner has submitted that the allegation on the face of it appears to be absurd for the reason that petitioner is 63 years of age whereas the prosecutrix is a girl of tender age. However, he fairly submits that there does not appear to be any enmity with the complainant and there is no acquaintance also.

As opposed to the aforesaid contention raised on behalf of the petitioner, learned counsel appearing for the complainant has submitted that even the local villagers who had participated in catching hold of the petitioner while he was found committing such misdemeanor with the prosecutrix had stated that petitioner had the intention to outrage the modesty of the prosecutrix.

Considering the aforestated aspects of the matter, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders before the Court below and prays for regular bail, the Court below shall take into account all aspects and shall pass orders in



accordance with law without being prejudiced by the fact that the present petition for anticipatory bail has not been entertained.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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