

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46582 of 2019

Arising Out of PS. Case No.-308 Year-2018 Thana- RAMNAGAR District- West Champaran

Md. Israque Ahmad @ Md. Israque S/o Late Samsul Haque R/o village-
Milbahuari, P.S.- Ramnagar, District- West Champaran, at present R/o
Ramnagar Idgah, Near Musaque, Kolkata Redimade House, whole Sell, P.S.-
Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection
with Ramnagar P.S. Case No. 308 of 2018, registered under
Section 376 of the Indian Penal Code.

The allegation against the petitioner, as per the FIR, is
that marriage of the informant was solemnized in the year 2016
along with one Mohd. Parvez Alam. It has further been alleged
that the petitioner (Md. Israque Ahmad @ Md. Israque) used to
tease the informant and on 19.10.2018 at about 06:00 PM the
petitioner arrived at the informant's rented house with
vegetable, where the informant was cooking, having found the
informant alone, the petitioner committed rape upon her.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous enmity inasmuch as earlier also the informant had lodged Ramnagar P.S. Case No. 33 of 2018 under Section 498A/34 of the Indian Penal Code and under Section 4 of Dowry Prohibition Act, in which the petitioner has already been granted bail and he was again implicated in the present case. He further submits that police after investigation, submitted final form, finding the present case untrue. However, the learned court below differed with the final report and took cognizance of the offence against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the police has submitted final report after investigation, petitioner is *Bhainsur* and there appears to be previous enmity, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate,



Bagaha, West Champaran in connection with Ramnagar P.S.
Case No. 308 of 2018; subject to condition as laid down
hereinabove and under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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