

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48628 of 2019**

Arising Out of PS. Case No.-357 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MD. SHAMIM ANSARI, son of Wali Mohammed Ansari @ Wali Mohammed, resident of Village Shimla, P.S. Kasma, District Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. Tabsum Khatun, daughter of Late Anwar Ansari, resident of village Shimla, P.S. Kasma, District Aurangabad (Bihar) presently residing in Village Amjhar Sharif, P.S. Haspura, District Aurangabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Leelawati Kumari
For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Complaint Case No. 357 of 2017, disclosing the offence under Sections 323, 341, 379, 376-A, 504, 498-A/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner, who is the husband of the complainant, has submitted that the petitioner has been implicated falsely and matrimonial discord is the reason why false case has been lodged. She has submitted that no case can be said to be made out for the offence under Section 376-A of the IPC and, as a matter of fact, cognizance



has also not been taken of the said offence.

Considering the above, 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 learned Sub-Divisional Magistrate, Daudnagar, Aurangabad in Complaint Case No. 357 of 2017, 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)

Rajesh/-

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