

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49127 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- PAHARKATTA District- Kishanganj

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MASEBUL ALAM Son of Kasam Sali, Resident of Village-Chhatargachh,
Athiabari, P.S.-Paharkatta, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Paharkatta P.S. Case No. 40 of 2019
registered for offence punishable under sections 341, 323, 354,
325, 506/34 of the Indian Penal Code.

Allegation has been made by the informant that her
husband is working outside and taking benefit of his absence,
the accused Masebul Alam used to visit her house and used to
show wrong sign and allegation has been made that on
12.05.2019 at about 9.00 p.m. while she was sleeping, Masebul
Alam entered into her house pulled her hands for wrong
purpose and said to came out of house. When she started
raising alarm and caught hold his shirt, her family members,



who were inside, came out but Masebul Alam fled away after hurling abuses and giving threat to burn her house and on next day, they came and started assaulting the victim.

The learned counsel for the petitioner submits that the case has not been registered under section 307 I.P.C., but the allegation has been made only to settle the score with the petitioner, inasmuch as no such incident has taken place and the petitioner has falsely been roped in the present case.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Paharkatta P.S. Case No. 40 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the



court. Whenever the Police will call the petitioner for the purpose of interrogation/investigation, he would present himself, In case of failure on two consecutive dates without any valid reason, the prosecution will have liberty to make a prayer for cancellation of his bail before the court below.

(Shivaji Pandey, J)

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