

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50161 of 2019**

Arising Out of PS. Case No.-27 Year-2018 Thana- MAHILA P.S. District- Kishanganj

ZAHANGIR ALAM @ JAHANGIR ALAM S/O Faidar Alam @ Fador Alam
Resident of Village- Rajeev Basti, P.S.- Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kishanganj (Mahila) Police Station Case No. 27 of 2018, disclosing offences under Sections 376-D of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report lodged by Akila Begum, is that while she was proceeding towards her parents house, she met with one Firoz Alam and this petitioner and upon request made by the informant, this petitioner and other allowed the informant to sit on their motorcycle and when they reached near a lonely place, they forcibly took her towards a banana field and committed rape upon her and fled away.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute. He further submits that after completion of investigation the police submitted final form, not finding the case true, with recommendation to initiate proceeding against the informant under Section 182/211 of the Indian Penal Code. However, differing with the final form, the learned Court below has taken cognizance against the petitioner and other.

After having heard learned Counsel for the parties and taking into consideration the fact that the police, after completion of investigation, submitted final form, not finding the case true, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Zahangir Alam @ Jahangir Alam, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Sub Divisional Judicial Magistrate, Kishanganj, in connection with Kishanganj (Mahila) Police Station Case No. 27 of 2018, subject to the condition 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
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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