

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53881 of 2019

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

FIROZ ALAM Son of Late Ajijul Rahman Resident of Village- Rajib Basti,
P.S.- Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Kishanganj Mahila P.S. Case No.27 of 2018 for the offence
punishable under Section 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 upon request made by the informant, this petitioner 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. Learned counsel further submits that similarly situated person has been granted bail by this Court in Cr. Misc. No.50161 of 2019.

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 and further similarly situated person has been granted bail by this Court, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon 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, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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