

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26160 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- WARISNAGAR District- Samastipur

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MOHAMMAD AFROJ @ MD. AFROZ Son of Mohammad Firoj @ Md. Firoj Resident of Village- Satmalpur, Moinper, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh

For the Opposite Party/s : Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



Petitioner apprehends his arrest in connection with Warisnagar P.S. Case no. 241 of 2019 instituted for the offence under 376 and 511 of the Indian Penal Code.

The allegation in the FIR is of a failed attempt to commit rape.

It is submitted by the petitioner's counsel that the falsity of the allegation is evident from the fact that a complaint case has been lodged that also 30 days after the alleged occurrence. The implication is on extraneous consideration. The petitioner has no criminal antecedents and there is no medical report to suggest that any such occurrence has taken place. The complainant, as per the petitioner's counsel, is a married woman and the implication is due to some subsisting dispute between the parties.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the CJM Samastipur in connection with Warisnagar P.S. Case no. 241 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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