

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22652 of 2020

Arising Out of PS. Case No.-354 Year-2018 Thana- KAMTAUL District- Darbhanga

MD. JAMSHED ANSARI Son of Late Md. Mumtaz Ansari Resident of
Mohalla- Alafgang Bishanpur, P.S.- L.N.M.U, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-11-2020 The present case was heard at length on 05.11.2020
and today, it has been listed under the heading “For Orders”.

This is an application for grant of anticipatory bail in
connection with Kamtaul PS case no. 354 of 2018 registered for
the offences punishable under Sections 323, 341, 376, 312, 313,
504 of Indian Penal Code.

The case of the prosecution in brief is that the
sister of the petitioner is settled in the village of the
complainant/ informant and he used to come to the house of his
sister, during the course whereof the informant had come in
contact with the petitioner two years back and the petitioner had
promised to marry her and on the said pretext, had established
sexual relationship on several occasions, however subsequently,
when the father of the informant had gone to the house of the
petitioner for negotiating the marriage, the family members of



the petitioner had refused to solemnize the marriage of the petitioner and the informant. It is also alleged that on 23.10.2018, the petitioner and others had also barged into the house of informant and had brutally assaulted her resulting in termination of her two months' old pregnancy.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the informant is a mature girl and the complaint/ F.I.R. in question has been lodged after about two years of the alleged occurrence, hence the case as made out by the informant is false. It is further alleged that if at all, any sexual relationship was existing in between the petitioner and the informant, it can be said to be consensual, hence no offence is made out as alleged by the informant.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available in the case diary, I find that there is miniscule evidence available in the case diary as against the petitioner herein, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to certain conditions being



stipulated hereinunder so as to enable the police to complete the investigation in the present case. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga in connection with Kamtaul PS case no. 354 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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