

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69324 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- RAMGARHWA District- East
Champaran

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Md Azad Ahmad @ Md. Azad S/o Navi Rasul Miyan R/o Dumri, P.S.-
Ramgadhwa, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present
application.

Mr. Patanjali Rishi, learned counsel for the petitioner
submitted that the defects are mainly because only e-filing of
the applications are permitted by the Court. He submitted that
the defects can be removed only after filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit, in due course of time, when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the submissions made by the learned
counsel for the petitioner, with consent of the parties, the



application has been taken up for hearing on merit.

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

The petitioner seeks pre-arrest bail in connection with Ramgadhwa P. S. Case No. 185 of 2021 registered under Sections 366-A/34 of the Indian Penal Code.

Though the first information report was lodged under Section 366-A read with 34 of the Indian Penal Code, on completion of investigation, the police submitted their report under section 173(2) of the Code of Criminal Procedure finding the offences to be true under Sections 366, 511, 504, 506 and 354-D of the Indian Penal Code.

Learned Counsel appearing for the petitioner submitted that from the order passed by the court below whereby the prayer for bail of the petitioner has been rejected, it would be evident that in the statement made under Section 164 of the Code of Criminal Procedure the alleged victim, who is a major aged above 18 years, has stated that she went to Delhi out of her own sweet will. There is no truth behind the allegation that the petitioner ever followed the victim or attempted to contact her or harass her in any manner.

On the other hand, learned counsel for the State



opposed the prayer for bail. He contended that because of the repeated harassment and stalking made by the petitioner, the victim was compelled to leave her house and go to Delhi.

Be that as it may, since the first offence of stalking punishable under Section 354-D of Indian Penal Code is bailable and the victim herself stated that she went to Delhi out of her own sweet will, in the event of arrest or surrender, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran in connection with Ramgadhwa P. S. Case. No. 185 of 2021 subject to following conditions:-

(i) The petitioner shall file an affidavit before the court below stating therein that he shall keep himself away from the victim and would never harass her in future.

(ii) In case of violation of the undertaking given by the petitioner on oath, the State or the informant of the case would be at liberty to file an application for cancellation of bail.

(Ashwani Kumar Singh, J)

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