

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86630 of 2023

Arising Out of PS. Case No.-540 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

MD. IMRAN S/O- MD. MUSTAFA MIYAAN R/O- VILLAGE-
KONASARAI, P.S.- LAHERI, DIST.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024 Heard Mr. Raj Kishor Prasad, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Laheri P.S. Case No. 540 of 2023 for the offence under sections 376, 406, 420, 504, 323, 34 of the I.P.C. lodged on 07.09.2023 by the informant, Sabina Khatoon.

3. As per the prosecution story, the informant has alleged that she was in love with one Md. Nasir and the only allegation against the petitioner is that through him, Md. Nasir took Rs. 65,000/- to open the shop. The physical relationship continued for years but he chose not to solemnize the marriage. Upon force, the accused persons assaulted which followed the FIR.

4. Learned counsel for the petitioner submits that only



allegation against him is that through him, Md. Nasir took Rs. 65,000/- from the lady to open the shop. The allegation of physical relationship is on Md. Nasir. The further submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also the fact that the allegation of physical relationship is on Md. Nasir, the only against him is that through him, the amount was given to Md. Nasir, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda, in connection with Laheri P.S. Case No. 540 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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