

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7770 of 2022**

Arising Out of PS. Case No.-299 Year-2020 Thana- DESARI District- Vaishali

MD. NISHAR S/o Md. Sagir R/o village- Salha, P.S.- Deshri (Sahdei O.P.),
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 323, 498(A), 363, 365 and 34 of the Indian Penal Code.

According to F.I.R. the informant has alleged that his sister was married on 20.08.2020 with Md. Nisar as per Muslim rites. On 17.10.2020 he received informant on telephone from mother-in-law of his sister that his sister has disappeared. The informant also came to know that she was tortured by her



mother-in-law and her brother-in-law Md. Ashif.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner is husband of the deceased. He submits that petitioner not named in the F.I.R. nor any specific allegation of torture has been made against him. He submits that earlier the case was filed under Section 323, 498(a), 363, 365 and 34 of the Indian Penal Code but later on Police has filed the charge-sheet under Section 304(b) and 120(b) of the Indian Penal Code. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner are serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Desari P.S. Case No.299 of 2020. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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