

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13237 of 2022

Arising Out of PS. Case No.-336 Year-2018 Thana- BATHNAHA District- Sitamarhi

MD. HAIDER SAFI S/o Fakira Safi R/o village- Koili, P.S.- Bathnaha,
District- Sitamarhi, Pin Code- 843302 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 364, 365, 366 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 15.11.2015 at about 8:00 AM when she was at her home when petitioner along with Md. Firoz Safi came and requested the informant to take her son with them for livelihood, it is further alleged that after consulting with one Manisha Khatoon, the informant on 20.11.2015 agreed and sent her son with petitioner to Ludhiyana since then he did not return, it is further alleged that petitioner used to visit the house of the



informant and also had an affair with her daughter-in-law (Manisha Khatoon), further on 30.11.2017 petitioner eloped with her daughter-in-law along with her two grand-children, thus alleges that the petitioner along with five other accused persons had killed her son and disappeared his dead body.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the entire allegation hinges around suspicion, it is also submitted that the statement of Manisha Khatoon was recorded under Section 164 Cr.P.C., as would be evident from Para-45 of the case diary, and she has not supported the case of the prosecution, it is next submitted that the informant alleges that her son was taken by the petitioner along with one another in the year 2015, thereafter he did not return, next alleges that on 30.11.2017 the petitioner eloped with her daughter-in-law, but the complaint case came to be filed on 08.06.2018 i.e., after a delay of nearly more than seven months of the occurrence. The learned counsel for the petitioner submits that since Manisha Khatoon has not supported the prosecution story and has also clearly stated that her husband had left her in the year 2014 itself and had gone somewhere and never returned.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bathnaha P.S. Case No. 336 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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