

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25384 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SIKTI District- Araria

MD. AFTAB @ AFTAB HUSSAIN S/o Md. Lajim @ Lajimuddin Resident
of Village - Aambari, Ward No. 12, P.S. - Sikty, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, A.P.P.
For the Informant	:	Mr. Mukesh Kumar Ram, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State through the virtual Court
proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 452, 354,
354(B), 354(D), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that she came in contact with
the petitioner about one and half years back and thereafter they
started talking on phone. It is alleged that petitioner also
promised to marry her but when the said fact came to the



knowledge of her parents they got her married elsewhere but even after marriage the petitioner continued to harass the informant. It is alleged that her husband for the said reason is not taking her back to her matrimonial home. It is further alleged that on 14.05.2021 at 09:00 p.m. when she was at her parental home, petitioner came and started misbehaving for which she raised alarm and petitioner fled away and when she complained to her parents about the same they went to the house of the petitioner where they were abused and assaulted.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from tenor of the allegation, it appears that the informant and petitioner were known to each other. It is next submitted that if what has been alleged is true then the FIR ought to have been instituted on the date of occurrence i.e. 14.05.2021 but the FIR came to be instituted on 04.02.2022 i.e. merely after a delay of more than ten months without any plausible explanation.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that there is an inordinate delay in instituting the FIR.



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 Court below 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 each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sikty P.S. Case No. 25 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further one of the bailors of the petitioner shall be his uncle Azim.

(Satyavrat Verma, J)

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