

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42195 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Sheohar

Sarfroz @ Safaroz Ansari S/o Abdullah Ansari, R/o village- Maulaganj, P.S.-  
Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar, Adv.

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

For the Informant : Mr. Devendra Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      07-12-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with  
Mahila P.S. Case No. 06 of 2022, lodged under Sections 341, 323,  
376, 504, 506/34 of the Indian Penal Code.

As per prosecution case, the allegation of rape of  
informant is there against the petitioner in the F.I.R.

Learned counsel for the petitioner submits that the  
content of F.I.R. is very clear and appears to be heinous but the  
later part of the F.I.R., in which the pressure for marriage, the story  
of panchayati and cleaning of dress by the informant indicates that  
the F.I.R. has been filed for ulterior purpose. He further submits  
that in the statement of informant under Section 164 of Cr.P.C. she

has completely narrated and supported the content of F.I.R. But counsel has put emphasis that in paragraph no.12 of the case diary one independent witness has seen the informant and petitioner talking with each other in field and he has made complaint in the family of both, thereafter the *panchayati* etc. took place. He also submits that from the contents of F.I.R., it transpires that the date of occurrence is 05.03.2022 whereas the F.I.R. has been filed after delay of 3 days i.e. on 08.03.2022. Learned counsel for the petitioner further submits that petitioner is in custody since 31.03.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that charge sheet has already been filed and charge has also been framed in this case and presently the case is going on for prosecution witness but the petitioner is unnecessarily making delay.

In response thereof, learned counsel for the petitioner submits that petitioner is already in custody.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the

satisfaction of learned S.D.J.M., Sheohar in connection with Mahila P.S. Case No. 06 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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