

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22450 of 2022

Arising Out of PS. Case No.-492 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

MD. MURAD ALI Son of Md. Samsuddin Resident of Village - Bara
Khurshida, Police Station - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Uday Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-02-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
Counsel for the petitioner duly assisted by Ms. Vaishnavi Singh,
Mr. Uday Prasad, learned counsel for the informant and Mr.
Jitendra Kumar Singh learned counsel for the State.

The petitioner apprehends his arrest in connection
with Sahebganj P.S. Case No.492 of 2020 instituted under
Sections 498A, 342, 341, 447, 307/34 of the IPC and Section 3/4
of the Dowry Prohibition Act.

As per the prosecution story, the lady has lodged the
case narrating that on the pretext of marriage, the petitioner
made physical relationship with him for which she lodged
Sahebganj P.S. Case No.429 of 2019 in which he gave in writing
that he will keep her properly and accordingly came out of jail



but again she was tortured and forced her to leave the home. Unable to bear the said torture, she jumped in the river, was rescued by the villagers whereafter the present case.

The submission of the learned Senior Counsel is that the time of the treatment and the FIR are the same and as such one person cannot remain at two place at the same time. Further, the narrative of jumping in the river also does not have any supportive evidence.

Be that as it may, the allegation against the petitioner is very grave. Earlier, he made physical relationship which led to Sahebganj P.S. Case No.429 of 2019, made promise to keep her properly, came out of jail and thereafter tortured forcing her to allegedly jump in the river.

Certainly this is not a fit case for grant of anticipatory bail which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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