

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30088 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- BISFI District- Madhubani

MD. SHALIK Son of Aurangzeb Alamgir @ Md. Aalamgir Resident of
Village - Parsauni, P.S.- Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Mr. Helal Ahmad, Advocate
		Mr. Ejaj Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 376, 427, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner came in the house and was trying to commit wrongful act with her daughter who raised alarm and the petitioner was apprehended and confined but in the morning, the accused persons came and damaged the house and set the petitioner free.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that it is not a case of rape though the informant has alleged that petitioner attempted to commit a wrongful act. It is further submitted that the petitioner and the victim were known to each other and the petitioner had gone to visit the victim when he was caught and to give a serious colour to the case, it has been alleged that on the next day, petitioner's family members came and damaged the house and set him free. Learned counsel next submits that it absolutely does not stand to reason that it has been alleged that the petitioner was confined and the villagers came in the morning and set him free but then no one informed the police about the occurrence in the night which further casts an aspersion on the case of the prosecution, it is further submitted that the date of occurrence is 11.10.2022 and the FIR came to be instituted on 19.10.2022 i.e. after a delay of nine days which further casts an aspersion on the case of the prosecution. Learned counsel next submits that had the occurrence, as alleged, would have taken place then an FIR would have been instituted promptly but instead of instituting an FIR, the informant has alleged that a *panchayati* was convened but then the FIR does not disclose the name of the *punches* in



whose presence the *panchayati* was convened which further casts an aspersion on the case of the prosecution, it is next submitted that the FIR was instituted on 19.10.2022 and the statement of the victim under Section 164 Cr.P.C. was recorded on 22.10.2022 under parental pressure.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

6. 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 Bisfi P.S. Case No. 341 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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