

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31179 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- BENIPATTI District- Madhubani

MD. AFROZ @ AFROZ Son of Md. Abdul Khalik Resident of Village-
Ranipur, PS-Benipatti, Dist-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 448, 341,
342, 354(B), 504, 506 and 323 of the Indian Penal Code.
3. The informant alleges that petitioner entered her
house in the night and on point of pistol took her on his
motorcycle near a school and tried to sexually assault her but on
alarm fled.
4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, it is also submitted that from
perusal of the allegation as alleged in the FIR it would manifest
that the same does not inspire confidence for the reason that the



informant alleges that the petitioner came in the night and at the point of knife took her forcefully on his motorcycle near a school and then tried to commit sexual assault but fled on alarm, it is further submitted that if the petitioner had any intention of committing any wrongful act against the informant then he would not have fled from the place of occurrence, as they were alone, it is next submitted that it absolutely does not stand to reason that as to why the informant did not raise alarm when she was being forcefully taken by the petitioner on his motorcycle, it is next submitted that if the petitioner was driving the motorcycle and the informant was sitting behind then she could have easily shouted, it is further submitted that petitioner and the informant were in love and being consenting adults they had come to meet each other, when the villagers saw and the present false case came to be instituted with an allegation of attempt to commit sexual assault.

5. Learned A.P.P. for the State opposes 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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Benipatti P.S. Case No. 272 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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