

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74298 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- MAHILA P.S. District- Muzaffarpur

MD. MERAJ ANSARI S/O MD. MUSTKIM ANSARI R/O VILLAGE-
LAKHANPUR, P.S- KATRIA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mahila (East) P.S. Case No. 29 of 2022 registered on 13.05.2022 for the alleged offences under Sections 341, 342, 323, 504, 506, 420, 354, 354B, 354C, 376, 498A and 349 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. As per prosecution case, informant is the sister-in-law of the petitioner and she has alleged that petitioner and other co-accused persons under a conspiracy used to demand Rs. 1,00,000/- and a motorcycle as dowry and informant was variously tortured by them. Further allegation against the petitioner is that in absence of husband of the informant he



entered into her room and committed rape with her and also shot her nude photographs on mobile phone. When the informant made complaint she was thrown out of her matrimonial home.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Informant is the wife of the younger brother of the petitioner and their marriage were solemnized on 09.11.2019. Earlier the same informant lodged Nanpur P.S. Case No. 391 of 2021 in Sitamarhi on 05.12.2021 with almost the same allegations in which the petitioner has been released on bail. Learned counsel further submits that the date of occurrence is stated to be 22nd of August, 2021 in both the FIRs but the first FIR has been lodged on 05.12.2021, i.e., after delay of almost three and a half month whereas second FIR of Muzaffarpur, Mahila (East) P.S. Case No. 29 of 2022 was lodged on 13.05.2022 i.e., after delay of nine months. There is no explanation for the delay in either of the FIRs. The petitioner is a young boy and his career would be ruined if he is not enlarged on bail. The petitioner is the youngest member of his family and to ruin his family and with malafide intention, he has been made accused in the present case. Moreover, the petitioner is facing trial in two cases with similar allegation and it amounts



to double jeopardy. The petitioner is in custody since 17.03.2023 and charge-sheet has been submitted. Except for Nanpur P.S. Case No. 391 of 2021, there is no other case pending against this petitioner.

5. Learned APP alongwith learned counsel appearing on behalf of the informant opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that since the police did not incorporate Section 376 and other associate sections of the IPC for an occurrence which took place on 22.08.2021, the informant was forced to lodge the second FIR.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering that the lodging of the present FIR on the same cause of action on which the earlier FIR was lodged by the same informant and further considering his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C, Muzaffarpur in connection with Mahila (East) P.S. Case No. 29 of 2022 subject to the conditions mentioned in Section 437(3) of the Code of Criminal



Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Adnan/-

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