

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5076 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

1. Sheikh Iftekhar Ahmad @ Sheikh Ikhtkhar S/O MD. ISRAIL VILLAGE- RAMPUR AURAI, PS. AURAI, DIST. MUZAFFARPUR.
2. MD. ALI @ SHEIKH MD. ALI S/O SHEIKH IFTEKHAR AHMAD @ SHEIKH IKHTKHAR VILLAGE- RAMPUR AURAI, PS. AURAI, DIST. MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 120B, 504, 506, 376 of the Indian Penal Code and under Sections 66, 67 and 68 of the I.T. Act.

3. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case being father and brother of Samir @ Umar Ali, it is next submitted that the informant alleges that one Dipak Mishra used to meet her as she was a widow and later promised that he will marry her and at times also got blank paper signed on the



ground that he had taken loan which he had to repay. It is next submitted that said Dipak Mishra asked her to accompany him so that he can make her meet his parents, accordingly, she accompanied him to Sitamarhi where she came to know that his name was not Dipak Mishra rather Samir @ Umar Ali and the name of his father was Sheikh Iftekhar and brother was Md. Ali. It is further alleged that Samir @ Umar Ali committed rape in which he was assisted by the petitioners.

4. The learned counsel for the petitioners next submits that from bare perusal of the allegation as alleged in the F.I.R., the same appears to be cryptic and does not inspire confidence for the reason that no father would assist his own son in committing such an occurrence. It is also submitted that the informant right from the beginning was aware that the name of the son of the petitioner no. 1 was Umar Ali but then in order to make out a false case, the present false allegation has been levelled. It is next submitted that the petitioners will not abscond rather will co-operate in the investigation

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their 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. 10,000/- (Rupees Ten Thousand) each 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 Sitamarhi Mahila P.S. Case No. 25 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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