

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20461 of 2024

Arising Out of PS. Case No.-91 Year-2022 Thana- PALASI District- Araria

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Tajebul @ Shafiullah @ Mohammad Shafiullah @ Md. Safiullah S/o
Mohammad Zahidur Rahman @ Zahid Dealer R/o vill - Dahgama, Ward no.
3, Pararia, P.S. - Sikti, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-05-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The learned counsel for the petitioner submits that
the defects as pointed out by the office shall be removed during
the course of day.
3. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 363, 366
and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant, who is brother of
the victim. It is next submitted that victim was in love with Md.
Ubaid and the petitioner is his brother-in-law (Jija) and the



informant in the F.I.R. alleges that his sister was kidnapped by the accused persons including the petitioner. The learned counsel submits that the victim came back and her statement was recorded under Section 164 Cr.P.C., wherein she supported the case of the prosecution and stated that she was forcefully abducted by the accused persons including the petitioner and was kept in a room at Forbesganj, where the accused persons raped her, as would manifest from the order impugned. It is next submitted that Md. Ubaid was arrested and was sent to judicial custody and his trial commenced and in the trial the victim took a U-turn and did not support the case of prosecution, as would manifest from Annexure-2 to the anticipatory bail application and she was declared hostile by the prosecution. It is next submitted that her statement was recorded under section 164 Cr.P.C. under parental pressure but when the trial of Md. Ubaid commenced, she did not support the case of the prosecution, as such, it is submitted that no useful purpose would be served by sending the petitioner to jail when in the trial the victim has not supported the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 trial court where the case is pending/successor court in connection with Palasi P.S. Case No.91/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, if the learned trial court comes to a conclusion that petitioner after obtaining anticipatory bail is trying to delay the trial in any manner, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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