

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14121 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SAKRI District- Madhubani

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MD. SHAFIKUL @ SAFIUR REHMAN S/O LATE MD. JAKIR R/O VILL-
MAKRAMPUR, P.S-SAKARI, DIST-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sakari P.S. Case No. 198 of 2023 for the offence under Sections 341, 448, 354(B), 379 and 506 of the I.P.C. lodged on 05.10.2023 by the informant, Md. Zahid Hussain.

3. As per the prosecution story, the informant alleged that her sister used to reside with her for taking care of the mother. On the fateful day, the petitioner entered the house and tried to outrage the modesty of her sister and on noise when the mother and neighbour came, he left but not before taking the gold chain and money. This followed consumption of poison by the sister and was shifted to Hospital. Upon recovery, she narrated the story which followed the FIR.



4. Learned counsel for the petitioner submits that it is not the case that the informant has seen any occurrence, after consumption of poison and recovery of her health, the sister narrated the story which followed the FIR. As per the prosecution story itself, the mother and neighbour came when the petitioner escaped but neither the mother nor the neighbour narrated the story and/or any FIR was lodged on the day, rather it is after the delay of fifteen days. He do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the delay in lodging of the FIR, the victim has not lodged the FIR rather it was her brother on narration of the victim, as per the submission of learned counsel for the petitioner, no statement under Section 161 and 164 of the Cr.P.C. was recorded and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Madhubani in connection with



Sakari P.S. Case No. 198 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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