

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19279 of 2024

Arising Out of PS. Case No.-169 Year-2023 Thana- ABADPUR District- Katihar

Safiqul@ Safed SON OF LATE TAMIJUDDIN Resident of Village -Sohar Ps
-Abadpur District -Katihar ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Musowir, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh, APP
For the informant	:	Md. Ejaz Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and the State
as also the informant.

2. The petitioner is in judicial custody in connection with Abadpur P.S. Case No. 169 of 2023 for the offence punishable under Sections 323, 324, 341, 406, 420, 379, 504, 506/34 of the Indian Penal Code lodged on 5.11.2023 by the informant, Mazeda Khatoon.

3. As per the prosecution story, the informant alleged that for a piece of land, she gave Rs. 2,23,000/- to the petitioner (in the month of July, 2023 as per a document provided by the learned counsel for the informant) but he chose not to register the land. On 4.11.2023, when she went to the petitioner's house with a request to register the land, was brutally assaulted causing injuries. The further allegation is of snatching of gold



ear ring as also outraging the modesty of her sister. Accordingly, she of was taken to the hospital which followed the FIR.

4. Learned counsel for the petitioner submits that earlier he had made a complaint regarding rape amongst other by the husband of the informant which belatedly in the month of December, 2023 on the instruction of the learned Magistrate was converted into FIR. The further submission is that though in the month of November, 2023, there is allegation against the petitioner of having not registered the land as also outraging the modesty and assault, the fact remains that it is only to put pressure on the earlier case lodged by him that the present case has come.

5. Learned counsel for the informant on the other hand has taken this Court to the case diary (which was earlier called by a coordinate bench) to show that the Sub-Divisional Police Officer, Barsoi gave his supervision note in which he has recorded that beside the medical report which shows the injury on the informant, he also noted that having personally seen the lady, he found the injury on her person with further statement that had she not been taken to the hospital in time, the condition may have been serious. Learned counsel for the



informant further provided copy of the agreement to show that the petitioner had put his L.T.I. on 26.7.2023 and he reiterates that a copy was also handed over to the learned counsel for the petitioner earlier.

6. The case lodged by the petitioner, as stated above, will lead to the trial of the accused persons which according to the petitioner includes the informant's husband. This Court is in seisin of the present FIR in which there is allegation against the petitioner that he took Rs. 2,23,000/- from the informant, refused to register the land, when she made a request was assaulted, there is also allegation of snatching of the ear ring as also outraging the modesty of the sister. The observation made by the SDPO, Barsoi has also been taken note of.

7. Taking into account the aforesaid facts and the allegation that has come against the petitioner which include assaulting the lady and outraging modesty of her sister as also snatching of the ear ring, the Court does not deem it fit and proper to extend him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

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