

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29323 of 2024

Arising Out of PS. Case No.-754 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Lal Babu @ Md. Sarfaraz @ Sarfaraz son of Nayeem Uddin Resident of Mohalla- Katara PS - Laheri Dist- Nalanda
 2. Golden @ Md. Shakil son of Mohan @ Md. Nasim @ Wasim Resident of Mohalla- Katara PS - Laheri Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Julekha Khatoon wife of Marhum Jasim @ Jumman R/O Mohalla- Near Post Office Laheri PS - Lahari Dist - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2024 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 323, 354 and 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The complainant alleges that after her husband died in the year 2019, the accused persons including the petitioners tortured her and even assaulted her children and when her brother tried to pacify the accused persons, they assaulted her and on 17.07.2019 Lal Babu tried to commit rape with her. It is



further alleged that thereafter the instant Complaint Case No. 754 of 2019 came to be instituted.

5. Learned counsel for the petitioners submits that after the death of the husband of the complainant, a property dispute arose for which a title suit has been filed in which the complainant is also a party. It is next submitted that on account of dispute relating to property the instant false Complaint Case No. 754 of 2019 came to be instituted.

6. Learned counsel next submits that petitioners moved before the learned District Court by filing A.B.P. No. 1842 of 2019 and the same came to be rejected but then it is submitted that the order dated 28.01.2020 in A.B.P. No. 1842 of 2019 recorded Complaint Case No. 759 of 2019 instead of Complaint Case No. 754 of 2019 as such the petitioners were not able to know the consequences of A.B.P. No. 1842 of 2019 and thus approached this Court belatedly in the year 2024.

7. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners on the ground of delay. It is submitted that it absolutely does not stand to reason that when A.B.P. No. 1842 of 2019 was filed by the petitioners seeking anticipatory bail and the same came to be rejected by an order dated 28.01.2020, the petitioners must have



obtained the certified copy of the said order and after coming to know that Complaint Case No. 754 of 2019 has been inadvertently recorded as Complaint Case No. 759 of 2019 the said mistake could have been rectified and thereafter the petitioners could have moved before this Court seeking anticipatory bail but then that is not the case which amply demonstrates that the petitioners are contesting a leisure litigation. It is also submitted that it appears that after the death of the husband of the complainant, the petitioners being brother-in-law and son of another brother of the husband of the complainant, they are torturing her and her children.

8. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Complaint Case No. 754 of 2019 pending in the Court of learned Judicial Magistrate, 1st Class, Nawada/Successor Court.

9. Hence, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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