

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34681 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- RAUTA District- Purnia

Md. Shahenshah @ Shahenshah Son of Late Md. Nazam R/O Budhibari, P.S.-
Rauta, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Agrawal
For the Opposite Party/s	:	Mr. Shyameshwar Dayal
For the informant	:	Mr. Amit Kumar Anand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-05-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State and learned counsel for the informant.
2. This application, for grant of anticipatory bail, arises out of Rauta Police Station Case No. 217 of 2023, disclosing offences under Sections 341, 323, 354(B), 504, 506 and 34 of the Indian Penal Code.
3. As per the First Information Report, lodged by the informant, the petitioner used to visit the informant's house for the last three years. The informant is the cousin of the petitioner. The petitioner showed his interest to marry the informant. The petitioner proposed the informant and the informant accepted it and asked to send his mother with the proposal of marriage but the petitioner's mother never turned up. It has further been alleged that the petitioner used to come to the informant's



home and molest and mislead her. On 19.10.2023, the petitioner took the informant to his home where all the accused persons were present there and assaulted her and also torn her cloths.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case in order to pressurize him to solemnize marriage with the informant. The petitioner is residing in Saudi Arabia for the purpose of his livelihood and used to come to India occasionally. Earlier also the informant had threatened the family members of the petitioner for which the petitioner's mother lodged informatory petition bearing no. 3340 of 2023 before C.J.M., Purnea. There is a delay in lodging of the FIR inasmuch as according to the FIR, occurrence took place on 19.12.2023 and 05.12.2023 but the FIR has been lodged on 15.12.2023 without giving any plausible reason for delay.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that during the course of investigation, the witnesses have supported the prosecution story. The statement of the victim was recorded under Section 164 Cr.P.C. in which



she has categorically stated that the petitioner established physical relationship with the informant on the pretext of marriage.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that in the FIR, there is no allegation of establishing physical relationship with the informant and both the informant and the petitioner are cousin brother and sister, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Rauta Police Station Case No. 217 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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