

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39428 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- DAGARUA District- Purnia

Md. Saddam S/O Masu @ Masoud Alam R/O Village Tamout chowk ward no
07 P.S. Dagarua, Distt-Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
		Mr. Sumit Kumar Bhagat, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Dagarua P.S. Case No. 65 of 2024 for the offence registered under sections 323, 341, 354, 379, 376 and 511 of the Indian Penal Code lodged on 01.03.2024 by the informant, Sonara Khatoon.

3. As per the prosecution story, the complainant alleged that on 31.12.2023, in the evening, the petitioner entered her house on the point of knife not only tried to rape her, he also took photographs and relieved her of golden chain. Meanwhile, the husband and father of the complainant came to attend the new year's party, the petitioner thereafter escaped on the point



of knife.

4. Learned Counsel for the petitioner submits that the occurrence is of 31st December, 2023, the complainant sat over the matter and on 02.02.2024, she preferred complaint which turned into F.I.R. It is his further submission that though she has supported the prosecution story, a perusal of the F.I.R. would show that in any case, there was some sort of consent and it was only due to untimely arrival of the husband and father of the complainant that the case filed ultimately one month later, she was forced to file the complaint.

5. He further submits that she had earlier filed a case against her husband, Md. Habib in similar manner which resulted into solemnization of marriage after compromise. Even, thereafter she had preferred case against her husband vide Mahila P.S. Case No. 42 of 2023. Further, the petitioner is young, do not have criminal antecedent, he is ready to co-operate in the investigation and face the trial.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that not only the petitioner tried to rape her, he also took photographs and snatched the golden chain and as such, he does not deserve relief.



7. Taking into account the submissions put forward by the parties as also the inordinate delay in filing the complaint, the same has not been explained, the petitioner do not have criminal antecedent, will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Purnia in connection with Dagarua P.S. Case No. 65 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

