

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49545 of 2023

Arising Out of PS. Case No.-2296 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Arif Rahman @ Raja @ Md. Arif Rahman, S/O Irshad Sheikh R/O Village-
Bihpuria Ward No. 02, Ps. Bihpuria, Dist. Lakhimpur (ASSAM)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arfin Jahan W/O Arif Rahman @ Raja, D/O Badiujama R/O Village-
Koirigawan, Koiri Tola, Mahamdabad, Ps. Barharia, Dist. Siwan, At Present
Mohalla- Takia, Ps. Siwan Town, Dist. Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. No one appears on behalf of the opposite party no.2.

3. The petitioner seeks bail in anticipation of his arrest
in Complaint Case No.2296 of 2022 registered for the offences
punishable under Sections 323, 498A, 504 and 506 of the Indian
Penal Code.

4. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
present case with general and omnibus allegation. It is also
submitted that petitioner is a labourer, as such, is not in a position
to maintain the opposite party no.2 as his monthly income is very



meagre.

5. Learned A.P.P. opposes the anticipatory bail application and submits that from perusal of order dated 19.08.2023, it was manifest that notices were issued on the opposite party no.2 and thereafter, the notices were validly served and a learned Advocate was also engaged for representing the opposite party no.2. It is further submitted that on 16.10.2023, a learned Coordinate Bench had directed the petitioner to file a supplementary affidavit stating therein that opposite party no.2 is living with the petitioner, but then, no such supplementary affidavit has been filed, which amply demonstrates that petitioner never had the intention of keeping the opposite party no.2 with honour and dignity and was only interested in getting protection from this Court in the name of amicable settlement.

6. Considering the submissions made by the learned Additional P. P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Satyavrat Verma, J)

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