

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64240 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Md. Afsar @ Afsar Ali Son of Noor Mohammad Resident of Village -
Dronpur, Mohallah - Jhapahan Dih, P.S. - Ahiyapur, District - Muzaffarpur,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ahiyapur
P.S. Case No. 82 of 2024 registered for the offences punishable
under Sections 376D, 201, 379, 504, 506/34 of the Indian Penal
Code.

3. As per the prosecution case, allegation against
the petitioner is that he along with other co-accused persons
had established physical relationship with the victim.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not
specific rather general and omnibus in nature. He submits that



there is inordinate and abnormal delay of five months in lodging the F.I.R petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. He further submits that the medical examination of victim was not conducted and her statement was recorded under Section 164 of Cr.P.C. in which she has supported the prosecution case. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that specific overt act has been attributed against the petitioner.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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