

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83574 of 2023

Arising Out of PS. Case No.-82 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

MD. IRFAN AHMED @ MD. IRFAN SON OF WASI AHMED R/O
VILLAGE- 2/H/17, BHUKAILASH ROAD, KHIDDIRPORE, S.O.
KHIDDIRPORE, P.S.- EKBALPUR, KOLKATA, WEST BENGAL - 700023

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsari Khatoon W/o Md. Irfan R/o vill. Saren, P.S. Nimchak Bathani, Dist.
Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunal Tiwary
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-07-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Neemchak Bathani P.S. Case no.82 of 2019 registered for the offence punishable under sections 498A, 307, 323, 341 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that she was married to the petitioner. On 28.6.2019, while she was sleeping in her room, it is stated that her nanad (husband's sister) came there and started to hurl abuses. Thereafter, the accused persons tried to assault her followed by her father-in-law making an attempt to strangulate her. Her mother-in-law



was also assisting her father-in-law. The informant further states that her husband while leaving the house instigated the other accused persons that she should be beaten up. As such the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband. The allegations against the accused persons are general and omnibus in nature and so far as the petitioner is concerned, there is no allegation of any overt act. With respect to delay, it is submitted that the petitioner had earlier moved this Court in a quashing application which was rejected vide order dated 28.4.2022 and soon thereafter moved for anticipatory bail. The petitioner undertakes to cooperate in the case/trial.

5. The application is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner who is the husband of the informant is not only named in the FIR but there is direct allegation against him. It is the primary duty of the husband to protect the informant from cruelty being meted out in her sasural.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case,



the allegation against the petitioner in the FIR together with the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Neemchak Bathani P.S. Case no.82 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Gaya, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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