

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3695 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- BENIPATTI District- Madhubani

MD. NEYAZ S/O ABDUL WADOOD @ ABDUL ADOOD Resident of
village Behta PS Benipatti district Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Advocate Mr. Shailendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the informant	:	Mr. D.K. Sinha, Sr. Advocate Mr. Rana B.N. Singh, Advocate Ms. Babita Kumari, Advocate Ms. Akansha Malviya, Advocate Mr. Alexander Ashok, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-03-2024 Heard Mr. Alok Kumar Choudhary, learned
counsel for the petitioner duly assisted by Mr. Shailendra
Kumar and Mr. D.K. Sinha, learned Senior Counsel
appearing on behalf of the informant as also the learned APP
for the State.

2. The petitioner is in custody in connection with
Benipatti P.S. Case No. 100 of 2023 for the offence under
sections 448, 341, 323, 307, 354, 354(B), 379, 504/34 of the
Indian Penal Code lodged on 18.05.2023 by the informant,
Nazma Khatoon.

3. As per the prosecution story, the allegation is



that when the informant was sitting on the door, the accused persons came and started abusing. Upon protest, allegation is that one Md. Ekbul @ Munna dragged her hair, outraged her modesty. This was followed by assault by Md. Faruk and allegation against this petitioner is of assault on the head of the informant.

4. Further, when the husband came to her rescue, allegation against this petitioner as also Md. Faruk is/are of causing head injury to him. Accordingly, the FIR.

5. At the outset, learned Senior Counsel appearing on behalf of the informant submitted that false affidavit has been made inasmuch as though the injuries to the husband of the informant have been found to be grievous, it has been shown simple in para-7 of the petition.

6. Learned counsel appearing on behalf of the petitioner submits that on same facts one co-accused Md. Farukh has been granted anticipatory bail which prompted him to file this petition without waiting for the cooling off period.

7. Considering the aforesaid facts as also that without cooling off period, the petitioner moved this Court and the statement made in para-7 is contrary to the injuries to



the husband of the informant, for the present this Court is not inclined to extend him the privilege of the bail which is accordingly rejected.

(Rajiv Roy, J)

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