

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18770 of 2025

Arising Out of PS. Case No.-266 Year-2022 Thana- PURNEA SADAR District- Purnia

Md. Arif @ Arif Khan @ Arfu S/o Late Ayub Resident of vill- Bari Bhandsar,
P.S- Bhawanipur, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Hussain, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2025 Heard Mr.Md Hussain, learned counsel for the

petitioner and Ms.Sangeeta Sharma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sadar P.S. Case No.266 of 2022, dated 17.04.2022 registered for the offences punishable under Sections 363 and 365 of IPC.

3. According to prosecution case, the wife of the informant fled away with the accused persons along with Rs. 50,000/- and some ornaments.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the statement of



the victim under Section 164 Cr.P.C./Section 183 of BNSS, 2023 in which she has stated that she was with the petitioner and other co-accused persons. She has not stated anything about the sexual assault against the petitioner in her statement under Section 164 Cr.P.C./Section 183 of BNSS, 2023 and apart from that it has come in paragraph-60 of the case diary that the victim has refused for her medical examination. Further submits that the similarly situated co-accused person, namely, Kari Bilal @ Hafiz Bilal and others have been granted privilege of anticipatory bail by this Court vide order dated 06.12.2023 passed in Cr. Misc. No.60190 of 2023 and apart from that, it appears that the so called victim is a married lady and she is major.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, the victim has not stated anything about the sexual assault against the petitioner in her statement under Section 164 Cr.P.C./Section 183 of BNSS, 2023, similarly situated co-accused person, namely, Kari Bilal @ Hafiz Bilal and others have been granted privilege of anticipatory bail by this Court and apart from that, the victim has refused for her medical



examination, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No.266 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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