

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21995 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- MAHNAR District- Vaishali

Phool Mohammad Son of Late Jumai Mian Resident of Village - Kharjamma,
Ward No.- 1, P.S.- Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Israt Praveen W/O Alisher Ansari Resident of Village - Kharjamma, Ward
No.- 1, P.S.- Mahnar, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 30-10-2025 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Mahnar P.S. Case No. 110 of 2024, registered for the
offences punishable under Sections 341, 323, 448, 504, 506,
354, 34 of IPC and Section 12 of POCSO Act.

3. As per FIR, co-accused Md. Irfan and Md. Tauhid
Alam attempted to kidnap the daughter of the informant.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated.
The only allegation against the petitioner is that when the
informant came to complain to his house, he misbehaved with



him. The petitioner, according to submission of the learned counsel, has been arrayed in the present case merely because he is father of main accused Md. Irfan. He has submitted further that though the process under Section 82 has been issued but he has relied upon a decision of the Hon'ble Supreme Court in the case of *Asha Dubey vs. The State of Madhya Pradesh*, in *Criminal Appeal No. 4564 of 2024 / SLP (CRL.) No. 13123 of 2024*. The relevant portion of that order is being extracted hereinbelow:-

4. "Insofar as the proceedings initiated under Section 82 of the then Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') against the appellant are concerned, it is submitted that it is not as if there is a complete embargo to consider the application for grant of anticipatory bail."

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions



Judge-VI, Vaishali at Hajipur in connection with Mahnar P.S.
Case No. 110 of 2024, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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