

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22101 of 2025

Arising Out of PS. Case No.-86 Year-2014 Thana- BRAHMPURA District- Muzaffarpur

Md. Arif Khan @ Md. Aarif Son of Md. Amanullah Khan Resident of
Mohalla - Gafur Basti Mehendi Hassan Chowk, P.S. - Barahampura, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard Mr. Sheo Kumar Prasad and the State.

2. The petitioner is apprehending his arrest in connection with Barahampura P.S. Case No. 86 of 2014 for the offence under sections 341, 323, 354, 504, 379 and 34 of the I.P.C. lodged on 27.04.2014 by the informant, Neha Khatoon.

3. As per the prosecution story, the informant alleged that while returning home, allegation is that this petitioner snatched her 'dupatta', took her to the lonely place and misbehaved. On alarm, the maternal uncle came and they went to the house of the petitioner where one Md. Guddo assaulted Md. Mustaq and others. The allegation of snatching of earring and amount is also there. This led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that due to some personal



problems, they have implicated this petitioner. He submits that the other accused on whom the allegation of assaulting the informant's side, they have been extended the privilege of anticipatory bail in Cr. Misc. No. 62623 of 2022 (Md. Asif Eqbal Khan & Anr. Vs the State of Bihar) on 23.02.2023, in fact, he was also granted the anticipatory bail but due to treatment of his father, as he was away to Delhi, the modification petition filed was rejected. He submits that the petitioner do not have criminal antecedent and since the delay had occurred on his own would like to contribute Rs. 10,000/- to the District Legal Services Authority, Muzaffarpur for beautification of the Civil Court Campus of Muzaffarpur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has delayed coming to the Court, the FIR being of the year 2014.

6. Learned counsel for the petitioner submits that he had no knowledge about it and came to know only after the other co-accused who have since been granted bail approached the Court in the year 2023 in fact, he was also granted relief, as stated above, could not avail the same. Further, if granted relief, he shall ensure to appear in trial diligently without fail.

7. Taking into account the aforesaid facts as narrated by the learned counsel for the petitioner, other co-accused have been



granted anticipatory bail as stated above, he was also earlier granted relief and in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Muzaffarpur for putting up flower pots in the Civil Court Campus of Muzaffarpur Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Muzaffarpur.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur East, in connection with Barahampura P.S. Case No. 86 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. A copy of the order be sent to the Principal District and Sessions Judge, Muzaffarpur for her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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