

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25665 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- AMDABAD District- Katihar

Md. Riyaz @ SK Riyaz Son of Kamruddin Resident of Village -Paschim Tola
Paharpur PS- Amdabad, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Amdabad Police Station Case No. 02 of 2025, dated 04.01.2025, disclosing offences under Sections 329(4)/76 of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that the husband of the informant had gone to Delhi for work and on 23.12.2024 while the informant went to sleep after having dinner at around 11:00 PM in the night, the petitioner entered into her room with an intention to commit rape and removed her clothes. In the meanwhile, the informant woke up and raised her voice upon which the petitioner fled away threatening her with life.



4. Learned counsel for the petitioner submits that both the parties are members of the same family inasmuch as the father of the petitioner, namely, Sheikh Riyaz, and father-in-law of the informant, namely, Sheikh Samsuddin, are full brothers. He next submits that there is dispute regarding passage between the parties for which case and counter have been filed by the informant as well as father of the petitioner. Amdabad Police Station Case No. 309 of 2023 was lodged by the petitioner's father against the informant and other, whereas, Amdabad Police Station Case No. 310 of 2023 was lodged by the informant herself.
5. On the other hand, learned counsel for the informant opposes the prayer for anticipatory bail and submits that upon perusal of the First Information Report prima facie case is made out against the petitioner.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are related having dispute regarding passage and case and counter-case have been filed between them, I am inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Amdabad Police Station Case No. 02 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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