

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25561 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- MAHILA P.S. District- Kishanganj

Mumtaz Alam Son of Tohid Alam @ Md. Touhid Alam Resident of Village-
Aambari, Sontha, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Nirmala Kumari

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 Mahila Police Station Case No. 10 of 2025,
disclosing offences under Sections 69, 352, 126(2), 115(2), 76,
351(3), 351(2), 316(2), 3(5) of the BNS, 2023.
3. As per the prosecution case, the informant, aged
about 30 years, has alleged that the informant is a divorced lady,
and about two years ago, the petitioner called the informant to
his junk shop/ scrap shop where he established physical
relationship with the informant on the pretext of marriage. He
kept on assuring the informant that he would marry with her
very soon as per the customs and traditions, and on this pretext,



the petitioner continued to make physical relations with the informant. On 01.02.2025, while the petitioner was passing by the informant's house, the informant asked about the marriage, then the petitioner started abusing and assaulted her.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case as a counter-blast to the FIR lodged by the petitioner bearing Kochadhaman P.S. Case No. 44 of 2025, against the informant on 07.02.2025, stating therein that the informant demanded Rs. 200-300/- as the price of the scrap sold by her, and when the petitioner told that the money would be paid, the informant assaulted the petitioner. The FIR lodged by the petitioner is prior to the present FIR. He further submits that even if, for the sake of argument, the allegation made in the FIR is accepted, the relationship was very long for about 2 years which shows the consensual relationship between the petitioner and the informant.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the FIR lodged by the petitioner is prior in time and further, the alleged relationship continued for a very long period of time, I am inclined to grant the



petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj, in connection with Mahila Police Station Case No. 10 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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