

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44279 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BANJARIA District- East Champaran

Md. Jabiullah S/O Anavarul Haq @Anwarul Hauqe @Bhola R/O Village
Janerwa, P.S. Banjariya, Dist-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahana Praveen W/O Md. Jabiullah, D/O Sakir R/O Village Janerwa, P.S.
Banjariya, Dist-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Suraj Kumar Tiwari, Advocate
For the Opposite Party/s :	Mr.Bharat Lal, A.P.P.
	Mr. Chandra Shekhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 323, 498A, 341, 307,
504/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner was married to
opposite party no.2 on 29.10.2021. Petitioner forced her to
make physical relation with some other persons and on protest
the petitioner and other accused persons assaulted opposite
party no.2 with lathi causing her injuries.

4. Learned counsel appearing for the petitioner while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the
victim. As a matter of fact, opposite party no.2 was suffering
from some mental disorder and when petitioner asked father of
opposite party no.2 for her treatment, in retaliation, opposite



party no.2 and her family members abused the petitioner for which petitioner filed Informatory petition no. 1884KM/2023 dated 10.10.2023. F.I.R. has been lodged after delay of two days without any explanation which renders the entire prosecution case doubtful. In the entire FIR no any date has been mentioned with respect to commission of alleged offence caused to opposite party no.2 by the petitioner and other accused persons which shows that the FIR is based on vague allegations and concocted story. Petitioner is ready to keep opposite party no.2 with love and affection.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate I, Motihari, East Champaran in Banjariya Police Station Case No. 11 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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