

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35983 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- FORBESGANJ District- Araria

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Md. Shahbaz Alam S/O Md. Newasuddin Resident of Village- Rampur South,
P.S.- Forbisganj, Dist.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bushra Khatun W/O Md. Shahbaz Alam, D/O Md. Hadesh R/O Bengali Manjil, Ward no. 18, Niyamat Tola, Islamia Chowk, Gangjala, Saharsa-852201

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tushar Anand, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, App.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 15-11-2025 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 Forbesganj Police Station Case No. 63 of 2025, disclosing offences under Sections 85, 126(2), 115(2), 118(1), 76, 318(2), 352, 351, 3(5) of the BNS, 2023.

3. As per the FIR, at the instigation of his parents and brother-in-law, the petitioner asked the informant to arrange money for purchasing land at Pataliputra colony,



Patna, in the name of informant. The informant arranged Rs. 25 lakhs after selling her ornaments and Rs. 15 lakhs was given to her by her father. The entire money was given to the mother-in-law of the informant, but they procrastinated the matter and registration of the land was not done. Upon asking, the informant was being tortured and the accused persons tried to kill the informant by mixing poison in water. It has further been alleged that on 31.01.2025, in the evening when the parents-in-law of the informant were discussing about the purchase of land, a telephone call of the petitioner came on mobile of father-in-law and it has been alleged that the petitioner directed his father and mother to kill the informant and after that they assaulted her causing injury.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story. Upon bare reading of the FIR, it would be evident that the petitioner was not present at the time of alleged occurrence. The marriage was solemnized about 16 years back and the couple is having 3 children out of the wedlock between them aged about 13 years and 10 years. The conflict arose between the husband and wife on the point of admission of their 13 years old daughter in a Navy school



at Vishakhapatnam, Andhra Pradesh. The petitioner is an ex-Air Force officer and presently working as a Custom Inspector at Patna having good image and reputation in the society and there is no likelihood that the petitioner will abscond or tamper with the evidence. Notice was issued to O.P. No. 2, but she refused to accept the notice as per the service report.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that allegation against the petitioner is general and omnibus in nature, the petitioner was not present at the time when the informant was being tortured allegedly by her parents-in-law, 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 Additional District and Sessions Judge-II, Araria, in connection with Forbesganj Police Station Case No. 63 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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