

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39800 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- Nehra District- Darbhanga

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Fazal Abrar Siddique S/O Late Abdul Shakur R/O Village- Dhunsi, P.S-
Nehra, District- Dharbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Padmanabh Kashyap, Advocate
		Mr. Md. Ghulam Mustafa, Advocate
For the State	:	Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 15-10-2025 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 127(2),
115(2), 118(1), 117(2), 316(3), 318(4), 352, 351(2) and 3(5) of
the B.N.S.S., 2023.

3. According to prosecution case, the informant, after
her marriage was dissolved, was living with her sister in Dhunsi.
She met Fazal Abrar Siddique, who promised marriage and
shelter, but delayed it, citing work and family consent, and
cheated her of Rs. 1,00,000. He eventually married her on
06/12/2024 under Islamic law and later took her to his house,
where his family abused and threatened her. On 22/01/2025,



Fazal Abrar and several relatives physically assaulted her, with Md. Gufran injuring her finger, and attempted to plan her murder. She was driven out and went to Manigachhi P.H.C., then referred to D.M.C.H., but Fazal Abrar and his associates forcibly took her back and kept her captive, repeatedly hurting her. On 09/02/2025, an attempt was made to abduct and kill her, but she escaped and lodged the FIR after her statement was recorded.

4. Learned counsel for the petitioner submits that the informant is the wife of Md. Gulshad Hussain of village Rampur and out of the said wedlock, she gave two girl child, namely, Kahkasha Parween and Kashifa Parween and there is no material on record to suggest that the said husband of the informant had divorced her. It has next been submitted by the learned counsel for the petitioner that forcibly, a second marriage with this petitioner was solemnized for which he has already registered a case against the informant and his family members, appended as Annexure-2 with the present anticipatory bail application being Sonki P.S. Case No.10 of 2025 on 22.01.2025 registered for the offences under Sections 126(2), 127(2), 115(2), 183, 352, 351(2) and 3(5) of the B.N.S.S. It has further been submitted that after lodging the above mentioned F.I.R. in the instant case, the present counter case has been filed to falsely implicate the petitioner.



5. Learned counsel for the informant has appeared and submits that the petitioner is the legally wedded husband and was forcing the informant to sexually compromise with his brother-in-law of this petitioner and on protest being made, the petitioner did not protect her in any manner and ultimately, she had to lodge the instant case against the petitioner but the informant has not been able to prove any material at this stage to show that the petitioner was forcing the informant to sexually compromise with the brother-in-law in any manner.

6. Learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstances where, the informant has not been able to show any incriminating material against the petitioner and further, the factum of the instant case having been lodged after the case lodged by the petitioner has also not been denied, let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned ACJM-I, Darbhanga, in connection with Nehra P.S. Case No.22 of 2025, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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