

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57163 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- BAGHA District- West Champaran

1. Arif Ansari @ Md. Aarif Ansari, S/O Late Murtuja Ansari, R/O- Babuitola, Ward No.19, P.S - Bagaha, District - West Champaran.
2. Anish Ansari, S/O Late Murtuja Ansari, R/O- Babuitola, Ward No.19, P.S - Bagaha, District - West Champaran.
3. Sajid Ansari @ Md. Sajid Ansari, S/O Late Murtuja Ansari, R/O- Babuitola, Ward No.19, P.S - Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard learned Advocate appearing on behalf of the petitioners, the learned Additional Public Prosecutor for the State and the learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection with Bagaha P.S. Case No. 305 of 2024, registered for the offences punishable under Sections 64, 62, 75, 303(2), 333, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly all the three brothers (petitioners) entered into the house of the informant and misbehaved with two daughters of the informant. There is allegation against the petitioners that they also stolen Rs. 75,000/- after breaking



boxes and also snatched ornaments worth Rs. 70,000/-. It is specifically alleged that petitioner Arif Ansari pressed the mouth of the daughter of the informant and tried to commit rape upon her.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR submitted that initially a Complaint Case bearing No. 1101 of 2024 was filed disclosing the date of occurrence as 18.10.2024, however the complaint was filed on 02.12.2024, which was later on sent to the concerned police station and accordingly FIR came to be instituted. He further submitted that the lodging of the complaint is nothing, but a *malafide* attempt on behalf of the complaint/informant. Moreover, both the parties are relatives and at the time of marriage of the daughter of the informant, namely Majida Khatun, the mother of the petitioners had taken a loan of Rs. 50,000/- and when the petitioners went to the house of the informant and demanded the money, some altercation took place, which resulted into lodging of the complaint case. The petitioners are men of fair antecedent and they undertake before this Court that they will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State and the learned Advocate for the informant opposed the pre-



arrest bail application and submitted that there is serious allegation against the petitioners that they not only outraged the modesty of a woman, but also tried to commit rape upon one of the daughter of the informant.

6. Having regard to the submissions set forth by learned Advocate for the respective parties and taking note of the genesis of occurrence and the delay in lodging of the FIR coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 305 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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