

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63685 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- ALINAGAR District- Darbhanga

Md Hasmuddin Ansari @ MD Hasimuddin Ansari Son of Md. Imamuddin @
Md. Imamuddin Ansari Resident of Village - Hariyath, P.S. - Alinagar, District
- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-09-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner has antecedent of 8 cases but then the cases which have been instituted against him arises out of land dispute and are not under serious sections of the Indian Penal Code. It is also submitted that in four cases, petitioner is on bail, whereas one case has been disposed of, while in two cases, the police after investigation did not send him up for trial and in one case,



final form was accepted. It is next submitted that informant alleges that his sister was kidnapped by Asfaque, Tanweer and petitioner on 29.02.2024, when she had gone to attend the call of nature.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that Asfaque is a labourer with whom the sister of the informant was in love and they eloped but since Asfaque was working in the house of the petitioner as a labourer hence he came to be implicated. It is next submitted that the victim on her own came back and she was recovered from Darbhanga Railway Station and thereafter her statement was recorded by the police and the victim was sent for medical examination. It is further submitted that on medical examination, the age of the victim was assessed in between 20-22 years and no sign of rape was found. It is also submitted that the victim in her statement recorded under section 161 Cr.P.C. did not support the case of the prosecution. It is next submitted that police investigated the case from all angle and did not find the complicity of the petitioner in the occurrence, thus submitted final form exonerating the petitioner of the allegation despite the fact that statement of the victim was recorded under Section 164



Cr.P.C. wherein she under parental pressure stated that petitioner along with Tanweer kidnapped her and took her to Himachal, where Asfaque was present and Asfaque raped her. The learned counsel for the petitioner next submits that when one investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence. It is further submitted that no doubt petitioner has antecedent of 8 cases but in some of the cases, the petitioner is on bail and in some cases final form has been submitted and in some cases petitioner has not been sent up for trial.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that police after investigation submitted final form exonerating the petitioner of the allegation.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Alinagar P.S. Case No.14/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the framing of charge or after framing of charge is trying to delay the trial, in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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