

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84464 of 2024

Arising Out of PS. Case No.-441 Year-2024 Thana- SAUR BAZAR District- Saharsa

Md. Ainul Son of Kitab Ali Resident of Village - Arraha, Ward No.3, P.S. -
Saur Bazar, District - Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 19-04-2025 1. Heard learned Senior counsel for the petitioner Mr. N.K.Agrawal, 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 126(2), 115(2), 118(1), 78, 79, 3(5), 303(2) of B.N.S., 2023 and subsequently Section 103(1) of B.N.S., 2023 was also added.
3. Learned Senior counsel appearing on behalf of the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant specifically alleges that the accused persons including the petitioner came to her house and Md. Shamsul by farsha assaulted her father-in-law causing injury on head and when her husband came to save his father, when he was assaulted by Md.



Saddam by lathi on his hand and thereafter the accused persons acted inappropriately with her. It is next submitted that the occurrence is alleged to have taken place for the reason that the informant alleges that one Md. Manjur used to talk inappropriately with her and also used to threaten her to establish physical relation or he will viral their talk on social media, accordingly, she informed her family members when a panchayati was held, in which Manjur accepted his guilt and thereafter the accused persons came to her house when the alleged occurrence is alleged to have taken place.

4. The learned Senior counsel further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant is an eyewitness to the occurrence and specific allegation of assault is against Md. Shamsul and Saddam and the allegation against this petitioner is general and omnibus in nature. It is further submitted that petitioner is aged about 65 years and is a person with clean antecedent and is related to Saddam and Shamsul, as such, he also came to be implicated.

5. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner and submits that father-in-law of the informant on



account of assault died and during the course of investigation, it has come that it was this petitioner who assaulted the father-in-law of the informant by farsha causing injury on his head, which led to his death subsequently on 15.08.2024, on which, the learned Senior counsel appearing on behalf of the petitioner submits that petitioner is aged about 65 years and has remained a person with clean antecedent all through out, all of a sudden during the course of investigation he has been alleged to have assaulted when informant in the F.I.R. does not even remotely suggest that petitioner had assaulted the deceased. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned Senior 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.10,000/- (Rupees Ten 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 Saur Bazar P.S. Case No. 441/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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