

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22989 of 2026

Arising Out of PS. Case No.-82 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Md. Afsar @ Afsar Ali Son of Nur Mohammad Resident of Village - Dronpur,
Mohalla - Jhapahan Dih, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

4 13-07-2026 Heard the learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No. 82 of 2024, for allegedly having committed offence under Sections 376D, 201, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that while she was returning home along with her mother after buying vegetables from the market and reached near Bathna Dronpur Road lichi garden, the petitioner and one another co-accused surrounded her and her mother. They dragged both of them into the garden and after tying the mother of the informant, the petitioner committed rape upon the informant. Upon hulla, nearby people came and took them along with them. A panchayati was done and the informant and her family members



were told not to lodge any first information report. It is further alleged that the informant went to the police station on 27.11.2023 but due to threat, she could not make complaint and ultimately filed the written report on 18.01.2024.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that for the same occurrence, a Complaint Case No. 4593 of 2023 was filed by the informant herein on 08.12.2023 against the petitioner and others, under different sections of the Indian Penal Code. He submits that the allegation levelled against the petitioner is not specific rather the same is general and omnibus in nature. He further submits that there is a delay of five months in lodging the first information report, without any explanation. The petitioner has got a clean antecedent and he had earlier moved for anticipatory bail before this Hon'ble Court vide Cr. Misc. No. 64240 of 2024, however the same was rejected by a Hon'ble Single Judge of this Court vide order dated 01.10.2024.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier the anticipatory bail petition filed by the petitioner was rejected by a Hon'ble Single Judge of this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64240 of 2024. Therefore, the petitioner does not deserve the privilege of



anticipatory bail.

6. Having heard the rival submissions and after going through the records, it appears that the petitioner had earlier filed anticipatory bail petition bearing Cr. Misc. No. 64240 of 2024, however the same was rejected by a learned Co-ordinate Bench of this Court vide order dated 01.10.2024. The present anticipatory bail petition has been filed on behalf of the petitioner, without any new ground, except the fact that the petitioner has brought on record an earlier complaint case filed by the informant bearing Complaint Case No. 4593 of 2023. From perusal of the complaint case as well as the first information report it appears that there is allegation of rape against the petitioner and the anticipatory bail petition has already been rejected by this Hon'ble Court vide order dated 01.12.2024. Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Ritesh Kumar, J)

AjayMishra/-

U		T	
---	--	---	--

