

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21247 of 2015

Arising Out of PS.Case No. -1640 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Nazir Hussain Son of Zakair Hussain
 2. Mustafa Alam son of Mubarak Hussain
 3. Mumtaj Hussain Son of Ajajul Miyan

.... Petitioner/s

Versus

1. The State of Bihar
 2. Salama Bibi w/o Kurban Mian R/v Parauna P.s Taraiya, Dist saran.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-05-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 354, 504, 34 of the Indian Penal Code.

Since petitioner no.1 has been arrested, learned counsel for the petitioners seeks permission to withdraw this application with respect to him only.

Permission is granted.

Accordingly, this application with respect to petitioner no.1 stands dismissed as withdrawn.

It is alleged that when the complainant along with her daughter returning after easing out all the three petitioners came there when petitioner no. 1 Nazir Hussain caught the hand of the daughter

of the complainant and on protest being made petitioner no.3 Mustafa Hussain assaulted the complainant with fists and slaps and petitioner no.1 torn clothes of the daughter of the complainant.

It is submitted by learned counsel for the petitioners that the thrust of accusation of misbehaving with the daughter of the complainant is against petitioner no.1, who has already been arrested. There is no specific accusation against petitioner no.3 when it is alleged against petitioner no.2 to have assaulted the complainant. It is further submitted that for the occurrence of 11.06.2013, the complaint has been filed on 13.06.2013 and statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation and delayed lodging of the case and, let petitioner nos. 2 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra in connection with Complaint Case No. 1640 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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