

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35915 of 2015

Arising Out of PS.Case No. -1072 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Md. Noor Islam son of Late Afsar Ali.
 2. Md. Kamrul son of Late Afsar Ali.
 3. Md. Dulal @ Dulal son of Ataur Rahman.
All resident of village Sobhaganj, Police Station K. Hat (Maranga),
District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tanjeela Khatoon, wife of Haidar Ali, resident of village Sobhaganj,
Police Station K. Hat (Maranga) District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-09-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a protest –cum- complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 354/34 and 379 of the Indian Penal Code. Though, initially FIR was registered under Sections 341, 342, 323, 354, 376/511 and 379/34 of the IPC wherein on conclusion of the investigation final form was submitted and the same was accepted and thereafter on protest

the cognizance has been taken.

The accusation is of entering into the house of the complainant, making assault and made attempt to ravish the complainant. It is specifically alleged that petitioner Md. Kamrul tried to outrage the modesty and petitioner Noor Alam snatched gold ring worth Rs.17,000/- and petitioner Dulal snatched silver necklace worth Rs.2000/-.

It is submitted by learned counsel for the petitioners that initially the police case was registered but the accusation was found false and petitioners were not sent up for trial and the same was accepted, thereafter the matter proceeded on protest –cum- complaint when the petitioners' side earlier filed K. Hat (Maranga) P.S. Case No. 852 of 2014 levelling accusation under Sections 147, 148, 323, 324, 326, 379, 307 and 504 of the IPC.

It is submitted by learned counsel for the complainant that the accusation is specific against these petitioners and finding prima facie case by the learned Magistrate cognizance has been taken.

Considering the fact that the accusation was not found true against the petitioners, they were not sent up for trial and petitioners' side lodged case at earlier point of time, let

the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Purnea in connection with C.A. Case No. 1072 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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