

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44060 of 2015

Arising Out of PS.Case No. -117 Year- 2015 Thana -MAHISI District- SAHARSA

1. Md. Asadullah @ Asaddullah
2. Md. Mahibullah @ Mahibullah Both are sons of Md. Kalimuddin @ Mukan, Resident of Simarkoda Tola, P.S. Mahisi (Jalai O.P.), District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karuna Kant Jha
For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 15-10-2015 Heard counsel for the petitioners and the State.

The two petitioners herein are brothers and accused of Mahisi P.S. Case No. 117 of 2015 registered under sections 354-A and 379 IPC.

The occurrence, according to the FIR, took place on 10.06.2015 whereas the FIR was lodged on 17.06.2015. It is alleged that the accused persons came to the informant. The petitioner no.1 tried to outrage her modesty and, on protest, she was inflicted injury on her head. Others assaulted the father of the informant when he came to her rescue. The co-accused Saifulla assaulted her father with a country-made pistol on his head causing head injury.



The contention of the petitioners is that the petitioners along with other accused persons belong to one family whereas the informant belongs to other family. Both the families are involved in a title suit. The occurrence took place over cutting of bamboo(s) from the land which is the subject matter of the pending title suit. Petitioner no.1 also lodged a case on 11.06.2015 against the informant and her father vide Mahisi P.S. Case No. 114 of 2015. Simple case of Marpit over cutting of bamboo(s) has been given the twisted shape of attempt to outrage her modesty. Both parties have sustained injuries in the said Marpit. The petitioners have no criminal antecedents to their credit.

Counsel for the State, on the other hand, submitted that allegation against petitioner no.1 is of causing injury on the head of the informant. However, there is no direct allegation attributed to petitioner no.2.

Taking into account the facts and circumstances of the case, this Court, while rejecting the prayer of petitioner no.1, directs that petitioner no.2 above named, in the event of arrest/surrender within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction Sri S.K. Jha, Judicial

Magistrate, 1st Class, Saharsa in Mahisi P.S. Case No. 117/2015 subject to the condition that one of the bailors shall be his own/close family member. In the event of framing of charge, he shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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