

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11204 of 2016

Arising Out of PS.Case No. -98 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Md. Munna Son of Md. Ehsan
 2. Md. Asgar @ Bittu @ Md. Bitu Son of Md. Salam @ Aslam
 3. Md. Kalim @ Guddu @ Md. Guddu Son of Md. Kalam and
 4. Md. Ehsan Son of Md. Shamshul all resident of Village- Ashapatti Parsauni, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016 Supplementary affidavit has been filed. Same is kept on record.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Sahebganj P.S. Case No.98 of 2015 for the offences instituted under Sections 452, 354, 376 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that present case has been lodged on the basis of complaint case by informant in which she has alleged that her elder daughter Ambika Kumari was kidnapped by the accused persons including the petitioners for



which she had lodged a case bearing no.74 of 2015 under Section 366(A) and 34 of the I.P.C. with a view to sale her in Ajamgarh on 6.4.2015 accused persons had threatened the informant and on 7.4.2015 at about 7.00 P.M. the accused persons came armed with deadly weapons entered into the house of informant where her minor daughter Pinki Kumari was also present and the accused persons tried to out rage the modesty of the informant and her daughter. It has further been alleged that Md. Ehsan tried to rape with informant while accused Md. Guddu committed rape on her daughter Pinki Kumari and informant has prayed for suitable legal action in accordance with law.

It is submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. Prior to the institution of the present case dated 24.4.2015 (Annexure-1), vide Annexure-2 to the supplementary affidavit, this very informant had instituted a case for offence under Section 366(A) I.P.C. against the petitioners dated 31.3.2015 (Annexure-2) in respect to abduction of her elder daughter, namely, Ambika Kumari. The said Ambika Kumari was examined under Section 164 Cr.P.C. where she had denied the allegations levelled in the F.I.R. (Annexure-2) and admitted that she had got herself married with one Tamanna, son of petitioner no.4, and she wants to reside

with him, which is evident from the part of the Annexure-2 to the supplementary affidavit. Thereafter, the informant got the present case instituted with an ulterior motive to falsely implicate the petitioners, where she alleged that her younger daughter, this time has been raped by the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances and the Annexure-2 to the supplementary affidavit, let the above named petitioners, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of S.D.J.M., West, Muzaffarpur, in connection with Sahebganj P.S. Case No.98 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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