

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 30851 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Md. Mustakim S/o Md. Majid @ Jalah
2. Md. Salim s/o Md. Sabur,
3. Md. Samsad S/o Md. Mustakim
4. Md. Naushad s/o Md. Mustakim
5. Md. Karim S/o Md. Mustakim All resident of Village- Saharsa, Ward
No. 38, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Gopesh Kumar

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

3 04-10-2016

The petitioners apprehend arrest in Saharsa Sadar Police Station (PS) Case No 81 of 2016 dated 27.01.2016 instituted under Sections 376, 379, 323 of Indian Penal Code (IPC).

Learned counsel for the petitioners has drawn attention of the Court to the fact that the said First Information Report was instituted on the basis of the complaint which was referred to the police for institution and investigation of the case under Section 156 (3) of Criminal Procedure Code (Cr P C). It appears that the complaint was filed in the year, 2011 but no further action was taken. It is in the year 2015, again a copy

thereof is filed which is then sent to the PS for registering and investigating the case. The allegation against the petitioner is that the petitioner came on being released on bail and threatened the prosecution party. Section 376 of IPC has been added wrongly because the allegation in the complaint is at best outraging the modesty. The petitioners are neighbours and this complaint has been lodged only to harass them.

Be that as it may, in the event of their arrest or surrender within five weeks from today, the petitioners abovenamed shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in Saharsa Sadar PS Case No 81 of 2016 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Navaniti Prasad Singh, J)

M.E.H./-

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