

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40185 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
- 1. Guddu Mustak @ Guddu Mushtaque Son of Mokhtar Mian
 - 2. Taufik @Taufique son of Tauhid
 - 3. Raja @Sadhu Son of Shambhu Sah All Residents of Village- Ramdiha,
P.S. - Chakiya, District East Champaran,.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Chakiya P.S.Case No. 142 of 2016 registered for offences
punishable under Sections 341, 323, 354(A), 504, 379, and 307/34
of the Indian Penal Code.

The prosecution case as lodged by the informant,
Mahfuz Raja to the S.H.O., Chakiya P.S. Case is that on
17.6.2016 at 9.30.A.M. while he was returning after study, on the
way the accused persons named in the F.I.R. were eve teasing a
village girl which was opposed, then the accused persons badly

assaulted and injured him. Accused Raja @ Sadhu and Guddu wrapped towel around the neck with an intention to kill, accused Taufique and Azmal had taken cash and gold chain from the informant. On alarm the accused persons fled away.

It has been submitted by the learned counsel for the petitioners that they are innocent, have no criminal history, as is evident from para-3 of this application and no case under Section 307 of the I.P.C. is made out against them as no injury has been caused on the informant. It is submitted that due to village politics and the informant being son of Ex- Mukhiya, who was defeated in the recent Panchayat election, false allegations have been made against these petitioners. It is further submitted that Section 354 (A) of the I.P.C. is a super addition, as the girl, who was mentioned in the F.I.R., is not named.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned

Chief Judicial Magistrate, East Champaran at Motihari in connection with Chakiya P.S.Case No. 142 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that the petitioners will co-operate with the investigation and would appear before the police/Court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Sudha/-

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