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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18331 of 2016

Arising Out of PS.Case No. -176 Year- 2015 Thana -PATAHI District- EASTCHAMPARAN(MOTIHARI)

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1. Sher Mohammad son Late Shekh Bhola
2. Ziyaul Haque @ Md Ziyaul Haque son of Abdul Rauf @ Shekh Rauf
3. Ajimul Haque son of Nesar Alam
4. Amenullah @ Amanullah son of Ahmad Hussain all are residents of Village - Mohammadpur Bara Shankar, P.S. - Patahi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Jitendra Kr. Roy No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 427, 376, 511, 354, 380, 307, and 506 of the Indian Penal Code.

The prosecution case is that on 09.08.2015 the accused persons, including the petitioners, came to the house of informant and started abusing and assaulting the informant and her brother on the pretext that they are not compromising Patahi P.S. case No. 68 of 2015 which was registered for kidnapping of informant's sister, Nilokar Jahan, in which one accused was arrested but the

recovery of the informant's sister has not been made. It is further alleged that petitioner No.1, Sher Mohammad, caught the informant and tore her cloth and attempted to commit rape. On protest being made, the parents of informant came to rescue then they were also assaulted by the accused persons. It is further alleged that petitioner No.2, Ziyaul Haque, caught the hair of informant and dragged her from the house causing her injuries. The accused persons also damaged the house hold articles of the informant worth Rs. 50,000/-

It is submitted by the learned counsel for the petitioners that for a petty dispute the accusation has been levelled. It is further submitted that for the occurrence dated 09.08.2015 the complaint was lodged on 21.08.2015 and at earlier point of time petitioner No.2, Ziyaul Haque, lodged Patahi P.S. case No. 159 of 2015 under sections 147, 148, 149, 323, 341, 342, 307, 379 of the IPC and under Section 27 of the Arms Act against the informant and others.

Considering the delayed lodging of the case, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of learned ACJM-8, Motihari, East Champaran in connection with Patahi P.S. Case No. 176 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

BKS/-

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