

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19135 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -ATHMALGOLA District- PATNA

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1. Md. Sallauddin s/o Md. Sarfuddin
 2. Md. Sarfaraj S/o Md. Sarfuddin
 3. Md. Jallauddin S/o Md. Sarfuddin
 4. Md. Istekhar S/o Md. Sarfuddin
 5. Md. Anisa Khatoon wife of Md. Sarfuddin
 6. Hazara Khatoon wife of Late Md. Kamruddin all resident of village Chedisingh Tola, Ahtamalgola P.S Disst. Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey
For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-05-2017 Heard learned counsel for the petitioners, and the learned counsel representing the State.

The petitioners apprehend their arrest in connection with Athmalgola P.S Case No. 28 of 2017 registered for the offences punishable under Sections 452, 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioners entered into the house of the informant and after catching her, put clothes in her mouth and try to commit rape with her and in the meantime, the petitioner no. 1 took away box. Co-accused Md. Shasuddin took out gold and silver ornaments and also cash of Rs. 4100/- and clothes, kept in



Dolchi, and took away. Petitioner nos. 1 2, 3, 4 and 5 started assaulting with feet and fat and torn saree and blouse and also try to oust the informant from the house with a threatening that this house is of their.

Submission is of false implication and that there is case and counter case. The husband of the informant is *Fufera* (cousin) brother of the father of the petitioner and they are residing in the house of the petitioners and when they were told to vacate the house they have lodged this false case. All the allegations are concocted and false and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. seriously opposes the prayer of bail by submitting that against petitioner nos. 1 to 4 there are allegations of either of assault or of theft.

In the facts and circumstances stated above, I am not inclined to grant privilege of pre-arrest bail to petitioner nos. 1 to 4 and accordingly, their such prayer stands rejected in connection with Athmalgola P.S. Case No. 28 of 2017 pending in the Court of learned S.D.J.M., Barh, Patna.

So far as, petitioner nos. 5 and 6 are concerned, they are ladies and, as such, they in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of



the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Athmalgola P.S. Case No. 28 of 2017 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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