

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29876 of 2017

Arising Out of PS.Case No. -16 Year- 2016 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mainuddin Dewan @ Mainuddin.
 2. Sainullah Dewan @ Sainullah Both sons of Jumrati Dewan Resident of Village - Shekhwa Tola, Police Station - Adapur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Pandey

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 14-07-2017 Heard both sides.

The petitioners are apprehending arrest in connection with Adapur P.S. Case no. 16 of 2016 registered for the offence under Sections 341, 323, 376, 511, 379, 504 and 506/34 of the Indian Penal Code.

The informant has alleged that on 23.01.2016, when she had gone to meet the call of nature, two accused persons (not the petitioner before this Court) namely, Phool Mohammad Dewan and Jainuddin Dewan caught hold of her and attempted to outrage her modesty. Thereafter, she came back to her house and along with her husband went at the place of accuseds, where their family members abused them and



snatched Rs. 1500/- and other belongings from her.

Learned counsel for the petitioner submits that the present case has been lodged on account of old enmity. The father of these petitioners had lodged Adapur P.S. Case no. 79 of 2015 and 8 of 2016 against the informant and his family members. After institution of the said case, the husband of the informant has got the present case lodged with false and frivolous allegation. The occurrence allegedly took on 23.01.2016, however, she lodged the case on 11.02.2016 without explaining the delay. The father of these petitioners have been allowed anticipatory bail vide Cr. Misc. no. 27774 of 2017 by one of the co-ordinate Bench of this Court. The allegation against these petitioners as regard theft is omnibus and their case stand on similar footing to the accuseds who have been allowed anticipatory bail and so they deserve anticipatory bail.

The learned APP, on the other hand, opposed the submissions.

Considering the enmity between the parties, delay in lodging the F.I.R., omnibus allegation of theft and also the fact that similarly situated co-accused persons have been allowed anticipatory bail, the prayer of anticipatory bail is



allowed. The petitioners above named, in the event of arrest/surrender within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Adapur P.S. Case no. 16 of 2016, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure.

(Sanjay Kumar, J)

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