

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40451 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -SHERGHATI District- GAYA

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1. Iqbal Ansari, S/o Nazir Ansari,
 2. Afzal Ansari, S/o Nazir Ansari,
 3. Md. Nazir Ansari @ Md. Nazir Hussain Ansari, son of Late Md. Wazir Ali, All R/o Mohalla- Baiju Bigha, P.S.- Gurua, Dist- Gaya.
 4. Madina Khatoon, W/o Md. Shahmir Ansari,
 5. Md. Saddam @ Md. Saddam Ansari, S/o Md. Shahmir Ansari, Both R/o Village- Ghoraghat Tola Barkat Nagar, P.s.- Sherghati Dobhi, Dist- Gaya.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 14-12-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sherghati (Dobhi) P.S. Case no. 172 of 2017, registered under Sections 120-B, 354(B)(C), 376, 504, 506 and 511/34 of the Indian Penal Code and Section 7, 8 of the POCSO Act.

The accusation is that in the month of April, 2016 informant had gone to the Sasural of her cousin sister where Ekbal Ansari (Petitioner No.1) had also come at the house of her Fua. The said Ekbal Ansari with bad intention caught hold her hand and tried to commit rape forcibly taking her with the help of



his cousin brother Md. Saddam, when she made protest then both given threatening to kill her brother Nausad and also to show the photograph as taken in the mobile in the society. Thereafter, both started to outrage her modesty. In the meantime, her father and mother came and then both moved from there. When parents of informant complaint to the parents of Ekbal Ansari then he was suggested not to lodge the case. Thereafter, Madina Khatoon gave pressure for developing physical relation with the petitioner Ekbal Ansari. On 15.03.2017 threatening was also given at his mobile by father of petitioner No.2.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that occurrence happened in the month of April, 2016, but the case has been lodged on 18.03.2017 about one year the occurrence is of 01.04.2017 on the basis of the written report of informant dated 18.03.2017. Further submission is that, in fact, due to family dispute in between informant and Fufa of the petitioner the present case has been lodged to give undue pressure.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-I, Gaya in Sherghati (Dobhi) in connection with Sherghati (Dobhi) P.S. Case No.172 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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