

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55782 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

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1. Md. Atik @ Md. Atique
2. Md. Aasif @ Md. Ashif Both Sons of Md. Safique @ Hafiz Mohamad
Safique, Resident of Village-Saren, P.S.-Neemchak Bathani, District-Gaya.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mrs. Kiran Sinha,, Adv.

For the Opposite Party : Mr. Murlidhar, APP 110

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 13-12-2017 Heard both sides.

The petitioners apprehend their arrest in Neemchak Bathani P.S. Case No. 46 of 2017 registered under Sections 379 and 448 and other sections of the Indian Penal Code.

The informant named petitioner no. 1, Md. Atik @ Md. Atique, who along with Md. Zahid, Md. Samad and Md. Nasim, and alleged that they have entered into her house, abused and assaulted the informant and her daughter. The accused persons snatched chain, made of gold, from the neck of the informant. It is, further, alleged that occurrence took place only because ten days prior to the occurrence, children of both the sides quarreled with each other.

The learned counsel for the petitioners submits that there is no specific allegation against the petitioners. On account of some petty dispute the informant lodged the case. Similarly, the investigating officer, at his own, filed a petition for adding



Section 376 and 511 of the Indian Penal Code although there are no ingredients for constituting an offence under Sections 376 and 511 of the Indian Penal Code in the first information report and the learned Magistrate has rightly rejected the same. Similarly, situated co-accused, Md. Nasim, has already been granted anticipatory bail vide order, dated 17.10.2017, passed in Cr. Misc. No. 46704 of 2017. The case of the petitioners stand exactly on the same footing.

Considering the facts, aforesaid, the petitioners, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Neemchak Bathani P.S. Case No. 46 of 2017** to the satisfaction of **Additional Chief Judicial Magistrate, X, Gaya**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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