

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13204 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -JAMUI District- JAMUI

- =====
1. MD. ZIAUR RAHMAN @ ZIAUR RAHMAN, Son of Late Md. Fajalurar Rahman,
 2. Sarwari Khatun, wife of Md. Ziaur Rahman, Both resident of Mohalla-
Puraw Tola Dargah, P.S. & District- Jamui.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard.

The petitioners apprehend their arrest in connection with Jamui P.S.Case No.231 of 2016 registered for an offence under Sections 323, 504, 380, 452, 376 and 511 of the IPC..

The case has been registered on the basis of complaint petition filed before CJM, Jamui. The complainant has alleged that these petitioners (who are wife and husband) along with three others entered into her house. They assaulted the complainant and her husband and petitioner no.1 also attempted to commit rape on her.

The learned counsel for the petitioners submits that



the petitioners and complainant are neighbours and on the date of occurrence, the complainant and her husband armed with deadly weapon came at his house. They abused the petitioners and her husband and also assaulted. The petitioner no.2 filed a Complaint Case No.752 of 2014 on 14.05.2014 on the file of CJM, Jamui against the present complainant and her husband. The complainant after institution of the complaint case of these petitioners subsequently lodged the present case no.764 of 2014 on 16.05.2014, i.e., after three days of the alleged occurrence only to save their skin from the occurrence of assault committed on these petitioners. The allegation of assault is omnibus and offence of attempt to rape has been alleged only to make the offence graver.

The learned APP, on the other hand, opposed the submission

Considering the omnibus allegation of assault case and counter case between the parties and also the fact that both are neighbours, let the above named petitioners in the event of their arrest or surrender in the court below be admitted on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Jamui in connection with Jamui P.S.Case No.231 of 2016,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

B.Kr./-

(Sanjay Kumar, J)

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