

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5929 of 2018

Arising Out of PS.Case No. -740 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

1. Jhangir Alam @ Jhangir @ Md. Jahangir Alam @ Jahangir Alam, S/o Mainuddin.

2. Sulaiman @ Suleman, S/o Mainuddin

Both resident of Village- Gachhpara, P.S.- Kishanganj, District- Kishanganj.

.... Petitioners

Versus

1. The State of Bihar.

2. Farjana Begum, D/o Md. Ayub, resident of village- Gachhpara, P.S. & District- Kishanganj.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Informant : Mr. Ram Prakash Kumar, Advocate

For the Opposite Party/s : Smt. Sahin Begam, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Complaint Case No.C740 of 2016, registered for the offence punishable under Sections 323, 380 and 354(B) of the Indian Penal Code.

A complaint has been made, which has been registered as Complaint Case No.C740 of 2016, wherein it has been mentioned that on 26.09.2012 at about 10-11 pm. when she and her younger sister were sleeping in *Angan*, both the accused persons came there and put the handkerchief on their mouth and



tried to commit the rape. When she raised alarm, the other accused persons also entered into the *Angan* and tried to strangle her sister and they forcibly took the signature on the stamp paper. It has further been alleged that the accused persons have taken old cloths of Rs.2000/- including cash of Rs.10,000/-.

Learned counsel for the petitioners submits that both the petitioners are own uncles, is completely silent in the complaint petition. In the complaint petition, number of allegations have been made with regard to attempt of rape, strangulation, obtaining the signature on stamp paper and taken away Rs.10,000/- appears to be very manufactured one. It has further been stated that the petitioners are the uncles of the informant and they are not expected to commit such heinous crime.

Learned counsel for the informant submits that though it has not been mentioned about the relationship, but from time to time they used to commit such type of act with the informant and her sister.

Looking to the entire facts and circumstance of the case, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Complaint Case No. C740 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that he will appear in the Court below on day-to-day basis for early conclusion of the trial and in the event of being absent on two consecutive dates without reasonable explanation, the Court below will be at liberty to cancel the bail bonds of the petitioner.

(Shivaji Pandey, J)

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