

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6445 of 2018

Arising Out of PS. Case No.-181 Year-2017 Thana- LADANIA District- Madhubani

Md. Israfeel @ Kaifi @ Md. Israfeel Kaifi, Son of Sahman @ Md. Sahman
Resident of Village- Padma, P.S.- Ladania District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. SRI RAM PRIYA SARAN SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 448,341,323,354(B) and 504 of the IPC.

The prosecution case as per the written report of Subeda Khatoon dated 12.9.2017 is to the effect that on 11.9.2017 at 11 O'clock in the night when the husband of the informant was not at home, the petitioner entered into the house and caught hold of hands of the informant. When the informant protested, the petitioner started assaulting the informant with fists and slaps. On alarm being raised, the villagers came and thereafter the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner



that the petitioner is the neighbour of the informant and earlier also two cases being Ladania P.S. Case No. 139 of 2017 for offences punishable under Sections 448,341,323,354(B),504 and 379/34 of the IPC and Ladania P.S. Case No. 257 of 2017 for offences punishable under Sections 448, 341, 323, 324,307, 379,354(B) and 504/34 of the IPC were lodged by the informant and her husband and in both the cases, the petitioner is on bail. All the three cases have been lodged in the year 2017 and apart from the said cases, the petitioner is not accused in any other case. It is further submitted that even assuming the accusation to be true, no case under section 354(B) of the IPC is made out. The learned Sessions Judge has described the injury as swelling 2" x 1" over neck and complain of pain, which does not corroborate with the accusation in the FIR.

Considering the fact that the informant or her husband earlier lodged two cases with similar accusation against the petitioner where the petitioner has been granted bail, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM,



Madhubani in connection with Ladania P.S. Case No.181 of
2017 (C.R.I. Case No. 1742 of 2017) subject to the
conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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