

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20020 of 2018

Arising Out of PS. Case No.-21 Year-2016 Thana- MAHILA P.S. District- Banka

Md. Hashim, Son of Late Jumman Miyan, Resident of Village-Islampur,
Police Station-Dhoraiya, District-Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-04-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 354, 354A, 504 and 506 of the IPC.

The prosecution case, as per the written report of Bibi Sapura Khatoon dated 09.05.2016, submitted to the Station House Officer, Banka Mahila Police Station is to the effect that on 08.05.2016 at 1 P.M., the informant went to meet her younger sister-in-law (Nanad) at Islampur, when the informant reached to the house of her sister-in-law, then she went outside to bring tea leaf and sugar for making tea. In the meantime, the petitioner, Md. Hashim came inside the house and enquired about the sister-in-law of the informant when he was conveyed that she went outside to bring tea leaf and sugar, thereafter, the



petitioner tried to outrage the modesty of the informant, but as soon as the sister-in-law of the informant came, the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner's elder brother, namely, Usman Gyani was married with the sister-in-law of the informant. Since the elder brother of the petitioner was issueless, hence, the informant and others were pressurizing to transfer the property in favour of the sister-in-law of the informant, who is the wife of the brother of the petitioner, on declining to accept the proposal, threat was given to the petitioner for being implicated in criminal cases, for that Informatory Petition No. 160 of 2013 was filed in the court of learned Chief Judicial Magistrate, Banka on 22.01.2013 on behalf of the petitioner, as contained in Annexure-2. Thereafter, the petitioner also filed Informatory Petition No. 990 of 2016 on 08.06.2016, as contained in Annexure-3, to the effect that on the date of occurrence, the petitioner was at Amarbadhet, in the district of Banka as he was campaigning during the Panchayat election since his daughter-in-law was contesting election for the post of Panchayat Samittee. Subsequently, the wife of the elder brother of the petitioner deserted him, for which he gave legal notice to her on 19.05.2016, and since the petitioner was



Karta of the family, hence he has been roped in the present case. The petitioner is about 60 years of age. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that there is specific accusation against the petitioner.

Considering the fact that in the background of property dispute the accusation has been levelled and informatory petitions filed by the petitioner at earlier point of time apprehending such implication in criminal case, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 21 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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