

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62195 of 2018

Arising Out of PS.Case No. -118 Year- 2018 Thana -KUTUMBA District- AURANGABAD

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1. Md. Sarfaraj Pawaria, Son of Kutus Pawaria.
 2. Tasweer Parveen @ Tasbi Parveen, Daughter of Md. Kutus.
 3. Asmuddin Pawaria, Son of Sadique Pawaria.
 4. Hafzan Khatoon, Wife of Kutus Pawaria.
 5. Md. Shamim @ B.P.L. Son of Sadique Pawaria, Resident of Village-
Pipra Bigaha, P.S. Kutumba, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 452/34, 341, 323, 307,
354 and 504/34 of the IPC.

The prosecution story, in brief, is that on 09.07.2018
in the night, while the informant Rubi Khatoon was sleeping on a
cot in front of her house and her husband was sleeping on the
ground nearby, Md. Sarfaraz Pawaria went there and began to
tease amorously. The informant awoke and identified. She
objected. Then Md. Sarfaraz Pawaria began to gag her mouth and



press her neck. Her husband took awoke. Then another accused person began to assault her. The accused persons abused the husband of the informant also when he came to rescue.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. No grievous injury is alleged to have been caused in course of occurrence. Hence, no offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad, in connection with Kutumba P.S. Case No. 118/2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

