

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62150 of 2017

Arising Out of PS.Case No. -170 Year- 2017 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bhola Mian
2. Sujan Mian
3. Rajan Mian all three are Sons of Islam Mian Residence Tiwari Tola
Ashok Pakari, Police Station- Pipara, Dist.- East Champaran
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2018 Heard the learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek anticipatory bail in connection
with Pipra PS case no. 170 of 2017 registered for the offences
punishable under Sections 341, 342, 323, 354, 376, 511, 379, 504
and 506/34 of Indian Penal Code.

The allegation is regarding one Raja Mian outraging
the modesty of the minor daughter of the informant i.e. Sahadeo
Sah, whereupon the informant and others came at the place of
occurrence and caught the said Raja Mian, however, subsequently,
the petitioners herein came there and attacked on the informant's
side with lathi etc. and rescued Raja Mian as well as took out a
sum of Rs. 23,000/- from the pocket of the informant and also
assaulted the wife and son of the informant.

The learned counsel for the petitioners submits that



as far as the petitioners herein are concerned, the offence under Section 376 of the Indian Penal Code is not made out, only because the said Raja Mian had filed a case against the informant namely Sahadeo Sah few days earlier, the present case has been filed by the said informant Sahadeo Sah against the said Raja Mian and his brothers, who are the petitioners herein. Submission of the learned counsel for the petitioners is that the present case is a case of case and counter case and in order to take revenge, the present case has been lodged by the informant. It is further submitted that the petitioners have a clean antecedent.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra PS case no. 170 of 2017, subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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