

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14189 of 2019

Arising Out of PS. Case No.-553 Year-2018 Thana- NARPATGANJ District- Araria

1. Nanha @ Khalid, Male, aged about 22 Years, Son of Md. Hefaj @ Md. Hefajuddin @ Hefaj, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
2. Md. Hasnain, Male, aged about 30 Years, Son of Md. Hefaj @ Md. Hefajuddin @ Hefaj, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
3. Md. Hefaj @ Md. Hefajuddin @ Hefaj, Male, aged about 52 Years, Son of Late Hanif, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Gopal Kumar Jha, Advocate.
For the Opposite Party : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 354(B), 380 and 504/34 of the IPC.

The prosecution story, in brief, is that on 10.09.2018 at about 12 hours, in the night, the cattle of the informant was stolen and the informant Rubeda Khatoon well known about the thief, but the villagers prohibited not to lodge the case and assured her that they will return but even that the theft cattle was



not returned her and on 20.09.2018, the petitioners came after making an unlawful assembly and told that why she has called *panchayati* against them and tore her Sari and with intent to kill her the accused persons assaulted upon her head with butt of the three-not-three and when her husband came to rescue her, the accused persons also assaulted him and in course of occurrence, they took out silver ornaments of the informant and also committed theft of case Rs. 10,000/- after breaking the box kept in the room.

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. As far as petitioner nos. 2 and 3 are concerned, there is no allegation in respect of offence under Section 354(B) of the IPC against them.

On behalf of the learned counsel for the State, it has been submitted that specific allegation has been made in respect of offence under Section 354(B) of the IPC against petitioner no. 1.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1



Nanha @ Khalid. The same is rejected in connection with Narpatganj P.S. Case No. 553 of 2018 (G.R. No. 3037 of 2018), pending in the court of learned C.J.M., Araria. Anyhow, if the petitioner no. 1 Nanha @ Khalid surrenders in the learned court below and prays for regular bail, the same shall be considered and disposed of on its own merit without being prejudiced by this order of the Court.

As far as petitioner nos. 2 and 3 are concerned, let petitioner nos. 2 and 3 Md. Hasnain and Md. Hefaj @ Md. Hefajuddin @ Hefaj (except petitioner no. 1 Nanha @ Khalid), 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. Araria, in connection with Narpatganj P.S. Case No. 553 of 2018 (G.R. No. 3037 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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