

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11981 of 2019

Arising Out of PS. Case No.-185 Year-2018 Thana- SISWAN District- Siwan

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1. Islam Dhuniya @ Islam Hussain, Son of Saheb Hussain Resident of Village- Nizampur, P.S.- M.H. Nagar (Siwan).
 2. Saddam Dhuniya @ Saddam Hussain @ Md. Saddam Hussain, Son of Saheb Hussain, Resident of Village- Nizampur, P.S.- M.H. Nagar (Siwan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Tiwary

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 354/34 of the IPC.

The prosecution case, as per the written report of Tammana Khatoon, dated 24.09.2018, submitted to the Station House Officer, Shishwan (M.H. Nagar) Police Station, is to the effect that on 23.09.2018 at about 6 P.M., the informant was going out of the house to throw the garbage, in the meantime, Petitioner no.1, Islam Dhuniya caught hold the Dupkata of the informant and on protest being made, petitioner no.1 assaulted the



informant and when the informant's husband, brother-in-law and mother-in-law came to rescue her, then all the FIR named accused persons including the petitioners assaulted the informant and her family members. The accused persons also snatched a gold chain from the informant.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 23.09.2018 at 6 P.M., the FIR was lodged on 24.09.2018 at 5 P.M., almost after 24 hours of the alleged occurrence. There is counter version of the occurrence also, being Shishwan (M.H. Nagar) P.S. Case No. 186 of 2018, filed on behalf of the accused persons against the informant's side, with accusation under Sections 147, 341, 323, 324, 447, 307, 504 and 506 of the IPC. Moreover, the accusation is not being corroborated by any medical opinion, which also gets reflected from the impugned order.

Learned APP submits that accusation against the petitioners in the FIR is specific.

Considering the delayed lodging of the FIR and the accusation not being corroborated by any medical opinion, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Siwan in connection with Shishwan (M.H. Nagar) P.S. Case No. 185 of 2018, 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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