

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11465 of 2019

Arising Out of PS. Case No.-724 Year-2018 Thana- KATIHAR District- Katihar

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1. Abida Khatoon, aged 69 years, Female, W/o Late Abbdu Rafique
 2. Gajala Khatoon , aged 17 years, Female, D/o Late Abdul Rafique
 3. Saloni Khatoon, aged 32 years, Female, D/o Late Abdul Rafique
 4. Md. Sahbaz, aged 26 years, Male, S/o Late Abdul Rafique
 5. Md. Murad, aged 22 years, Male, S/o Late Abul Rafique
- All are resident of Dhaliaganj, Mofarganj, P.S.- Katihar Town, District - Katihar
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mrs. Anita Kumari Singh, APP
For the Informant	:	Mr. Ajit Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 448, 379, 354, 406 and 504/34 of the Indian Penal Code registered in connection with Katihar Town P.S. Case No. 724 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of a petty dispute relating to payment of arrears of rent and in any event accusations of assault are general and omnibus in nature.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. It is pointed out from the first information report that there is specific accusation against petitioner nos. 4 and 5, namely, Md. Sahwaz, and Md. Murad including co-accused Md. Shamshad alias Pinku of having outraged the modesty of the informant's grand-mother and hence, ingredients of offence under Section 354 of the IPC are clearly made out against



them.

5. Considering the specific accusation against petitioner nos. 4 and 5, namely, Md. Sahwaz, and Md. Murad, this Court is not inclined to grant the privilege of anticipatory bail to them. The anticipatory bail petition on behalf of petitioner nos. 4 and 5, namely, Md. Sahwaz, and Md. Murad, stands dismissed.

6. Be that as it may, as regards petitioner nos. 1, 2 and 3, namely, Abida Khatoon, Gajala Khatoon and Saloni Khatoon, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 724 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners will be well represented in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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(Vikash Jain, J)

