

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16428 of 2019**

Arising Out of PS. Case No.-48 Year-2017 Thana- MAHILA P.S. District- Purnia

1. Md. Alauddin @ Md. Ulauddin S/o Sayab Ali, Resident of Village-Pankhowa, P.S-Jalalgarh, District-Purnea.
2. Md. Aslam, S/o Md. Alauddin, Resident of Village-Pankhowa, P.S-Jalalgarh, District-Purnea.
3. Md. Tanweer Alam @ Tanweer S/o Md. Alauddin, Resident of Village-Pankhowa, P.S-Jalalgarh, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      15-03-2019      Heard both sides.

The petitioners apprehend their arrest in Mahila P.S.  
Case No.48 of 2017 registered under Sections 341, 323, 354B,  
504, 506 and 34 of the Indian Penal Code.

The victim alleged that while she was returning from shop and came in front of the house of Md. Ashfaque, Md. Ashfaque caught her hand and dragged her inside his house. Md. Ashfaque made all attempts to outrage her modesty but on alarm many persons came and saved the informant from being outraged. It is further alleged that the informant came and narrated the story to her parents who went to the house of



Md. Ashfaque to complain but the petitioners who are father and brothers of Md. Ashfaque abused and assaulted.

Learned counsel for the petitioners submits that the main allegation is against Md. Ashfaque. The petitioners have been falsely implicated in this case only because the petitioners happen to be father and brothers of Md. Ashfaque. The informant and her father never came to the house of petitioners. It is further submitted that the police after investigation submitted final form finding the accusation against the petitioners false but the learned court below differing with the findings of the Investigating Officer took cognizance against the petitioners.

Having considered the facts that the petitioners who are father and brothers of Md. Ashfaque against whom there is specific allegation that he made all attempts to outrage the modesty of the victim, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Mahila P.S. Case



No.48 of 2017, subject to the conditions as laid down under  
Section 438 (2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

Harish/-

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