

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18670 of 2019

Arising Out of PS. Case No.-385 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Mozibur Rahman, S/o Late Sulaiman, Resident of Village- Kajleta, P.S.-
Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Saida W/o- Matiur Rahman, Resident of Village- Kajleta, P.S.- Jokihat,
District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 324, 379 and 504 of the IPC.

The prosecution case as per the complaint petition is that on 15.02.2017 at about 5.00-6.00 P.M., while the complainant was returning to her house along with her daughter, Soni Kumari after selling their goat. In the meantime, on the way,



two accused persons including the petitioner surrounded her and took her to the bamboo plant by getting her mouth gagged and tore the blouse of the complainant and made her naked. It is further alleged that co-accused Mohid snatched Rs.5,000/- and gold ear-ring from the complainant.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute and for the occurrence of 15.02.2017, the complaint was filed on 27.02.2017, i.e., after lapse of twelve days. It is further submitted that petitioner lodged Jokihat P.S. Case No.50 of 2017 against the complainant's side. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the delayed lodging of the complaint and at an earlier point of time there was a case lodged against the complainant's side by the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of like amount each to the



satisfaction of learned **JM-Ist Class Araria** in connection with
Complaint Case No.385C of 2017 subject to the condition as
laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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