

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23515 of 2019

Arising Out of P.S. Case No.-31 Year-2019 Thana- DARIAPUR District- Saran

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1. Saddam Husain @ Saddam Hussain @ Saddam Mia, Gender Male, Aged about 25 years, Son of Lalbabu Mian Resident of Village- Jaitipur, P.S.- Dariapur, District- Saran.
 2. Shamim Alam @ Shamim Mian, Gender- Male Aged about 26 years, Son of Lalbabu Mian Resident of Village- Jaitipur, P.S.- Dariapur, District- Saran.
 3. Chandan Kumar, Gender-Male, Aged about 22 years, Son of Mahesh Singh Resident of Village- Jaitipur, P.S.- Dariapur, District- Saran.
 4. Ratnesh Kumar @ Ratnesh Kumar Sah, Gender- Male, Aged about 21 years, Son of Upendra Sah, Resident of Village- Sajjanpur, P.S.- Dariapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-07-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Dariapur PS Case No. 31 of 2019 dated 28.01.2019 instituted under Sections 341, 323, 294, 354, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners and two others is of outraging the modesty of the informant.



4. Learned counsel for the petitioners submitted that all Sections are bailable except 364 of the Indian Penal Code. It was submitted that the petitioners no. 1 and 2 are full brothers and on this ground also, it is not believable that such act would be committed by them in tandem. It was further submitted that it is also far-fetched that six persons, all known to the informant and being co-villagers would do such thing to a girl of their own village, knowing fully well that they would have to face the consequences. Learned counsel submitted that two co-accused namely Pappu Kumar and Saddam Alam have been granted anticipatory bail by co-ordinate Benches by order dated 13.05.2019 in Cr. Misc. No. 31671 of 2019 and 24.04.2019 in Cr. Misc. No. 26812 of 2019, respectively. It was submitted that the petitioners have clean antecedent.

5. Learned APP submitted that the petitioners were also trying to outrage the modesty of the girl.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th



Additional Chief Judicial Magistrate, Saran at Chapra in Dariapur
PS Case No. 31 of 2019, subject to the conditions laid down in
Section 438(2) of the Code of Criminal Procedure, 1973.

7. One of the bailors shall be a close relative. The
petitioners and the bailors shall execute bond with regard to good
behaviour of the petitioners. The petitioners shall also give an
undertaking to the Court that they shall not indulge in any criminal
activity. Any violation of the terms and conditions of the bonds or
the undertaking shall lead to cancellation of their bail bonds. The
petitioners shall cooperate in the case and be present before the
Court on each and every date. Failure to cooperate or appear on
two consecutive dates, without sufficient cause, shall also lead to
cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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