

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26022 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- ABADPUR District- Katihar

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1. ABDUL RAJJAK @ RAJJAK @ MD. RAJJAK, Son of Mahar Ali, Resident of Village- Bhawanipur, P.S.- Abadpur, District- Katihar.
 2. Md. Islam, Son of Kalimuddin, Resident of Village- Baldiyagachhi, P.S.- Abadpur, District- Katihar.
 3. Abdul Wahab @ Sharma Jee @ Tarman Jee, Son of Nawi Banda Karim, Resident of Village- Sohar, P.S.- Abadpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Qumrul Hoda
For the State	:	Mr. R.B. Roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Abadpur P.S. Case No. 05 of 2019 (Complaint Case No. 2344 of 2018), for the offence punishable under Sections 376/34 of the Indian Penal Code.

First Information Report has been registered on the basis of complaint case. The petitioner no. 1 has been described as elder brother of the husband of the complainant. The complaint case was filed on 29.09.2018, in respect of the occurrence which is said to have taken place on 13.09.2018.

Learned Counsel appearing on behalf of the



petitioners has submitted that belated lodging of the complaint case is malicious which is primarily because of land dispute in the family. The case of the prosecution, as narrated in the complaint case, appears to be highly improbable, he contends.

Considering the nature of allegation as made in the complaint case, which is the basis for registration of First Information Report, I find substance in submission made on behalf of the petitioner.

This application is, accordingly, allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar, in Abadpur Police Station Case No. 05 of 2019 arising out of Complaint Case No. 2344 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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