

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36644 of 2019

Arising Out of PS. Case No.-337 Year-2018 Thana- PARSABAZAR District- Patna

1. MD. AZHAR @ MD. AJHAR HUSSAIN Son of Late Wahdul Haque Resident of Abadullachak, P.S.- Parsa Bazar, Distt. - Patna.
2. Md. Zakir Hussain @ Allan @ Md. Allan Son of Md. Azhar @ Md. Ajhar Hussain Resident of Abadullachak, P.S.- Parsa Bazar, Distt - Patna.
3. Md. Zahid Hussain @ Dhannu @ Md. Dhamu Son of Md. Azhar @ Md. Ajhar Hussain Resident of Abadullachak, P.S.- Parsa Bazar, Distt - Patna.
4. Md. Rashid Hussain @ Guddu @ Md. Guddu Son of Md. Azhar @ Md. Ajhar Hussain Resident of Abadullachak, P.S.- Parsa Bazar, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 17-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Parsa Bazar Police Station Case No. 337 of 2018, disclosing offences under Sections 341/323/325/447/376/511/504/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report lodged by one Khairun Nisha, is that on 15.10.2018, in the mid-night, at about 11-12 o'clock, her neighbour, Md. Sonu, entered into the house of the informant



and tried to commit rape on her daughter, Zeenat Parween. It has further been alleged that on raising hulla, accused person fled away. It is further alleged that in the morning of 16.10.2018, when the informant went to the house of Md. Azhar to make complaint, the accused persons assaulted the informant and abused her.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties inasmuch as there is dispute between the parties with regard to a passage between the house of the petitioners and the informant. He further submits that from perusal of the First Information Report, it is evident that allegation of attempt to commit rape is upon co-accused Md. Sonu and no such allegation has been levelled against these petitioners. He further submits that in course of investigation, it has come to light that both the parties are neighbours and there is a dispute relating to the passage between them. He further submits that no apparent injury has been caused to the informant and/or her daughter.

After having heard learned Counsel for the parties and taking into consideration the fact that both the parties are neighbours, there is dispute relating to the passage between



them and no allegation of attempt to commit rape is levelled against these petitioners, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Judicial Magistrate, 1st Class, Patna, in connection with Parsa Bazar Police Station Case No. 337 of 2018, subject to the condition 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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