

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36435 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- RAUTARA District- Katihar

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1. Md. Mukhtar Alam, Son of hakim Moulvi Resident of Village - Naya Tola Chapi, P.S.- Rautara, Dist.- Katihar.
 2. Md. Samsul Haque Son of Hakim Moulvi, Resident of Village - Naya Tola Chapi, P.S.- Rautara, Dist.- Katihar.
 3. Mansoor Alam Son of Hakim Moulvi Resident of Village - Naya Tola Chapi, P.S.- Rautara, Dist.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Rautara P.S. case No.40 of 2019, registered under Section 447,
448, 323, 379, 354, 354(B), 504/34 of IPC.

The allegation against the petitioners as per the First
Information Report is that petitioners entered into the house of
the informant and petitioner No.1, Md. Mokhtar Alam and
petitioner No.2, Shamsul Haq, outraged the modesty of
informant and petitioner No.3 snatched away ornament from the
ears of the informant.



Learned counsel for the petitioners submits that petitioners have committed no offence in the manner alleged inasmuch as both the parties are own family members and the informant is Bhabhi (sister-in-law) of petitioners. Learned counsel further submits that there is case and counter case being Rautara P.S. Case No.39 of 2019 has been lodged by petitioner No.1 against the side of the prosecution for an incident which has taken place on the same day, i.e., on 01.05.2019 and the present case has been filed as a counter blast to the case filed by the petitioner No.1. Learned counsel further submits that there is land dispute between the parties and the case lodged by the petitioner No.1 is prior in time to the case lodged by the informant.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are closely related and there is case and counter case and the land dispute is also between them and the case lodged by the petitioner No.1 is prior in time to the case lodged by the informant, as such, I am inclined to grant anticipatory bail to all these petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a



period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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