

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49000 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- HATHAURI District- Samastipur

ASHABUL Son of Md. Majibul Rahman @ Md. Majibul Hussain Resident of
Village - Rahtauli, P.S.- Hathauri, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks Anticipatory bail in connection
with Hathauri P.S. Case No. 72 of 2019 registered under
Sections 323, 341, 376, 448, 506, 511 of the Indian Penal Code.

Informant in his written complaint has stated that on
19.06.2019 he had gone to attend the last rites and on
20.06.2019 he received an information on mobile that one co-
villager Ashabul has entered his house and thereafter he
returned alongwith his wife then his daughter Seema Pravin
aged about 13 years informed that accused Ashabul on
19.06.2019 at about 5:00 PM finding him alone in the house
entered and tried to forcibly commit rape upon her and when
she protested she was assaulted and upon raising alarm, he fled
away threatening of dire consequences.

It has been submitted on behalf of petitioner that he is
innocent and has been falsely implicated in this case. The



statement of victim has been recorded under Section 164 of Cr.P.C. by the court in which she has stated that her parents had gone to attend the last rites of grandfather on 19.06.2019 and she was sleeping in her house alone when accused Ashabul came and started teasing her but on alarm being raised, he fled away. It has been further submitted that with similar allegations informant has instituted case against other neighbours also and his only motive is to black male by instituting such false cases against the neighbour. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of Anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Rosera, (Samastipur) in connection with Hathauri P.S. Case No. 72 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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