

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77529 of 2018

Arising Out of PS. Case No.-101 Year-2017 Thana- CHHAURADANO District- East
Champaran

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1. Emam S/o Islam, R/o Vill.- Semarahiya, P.S.- Chhauradano, District- East Champaran.
 2. Firoz S/o Nurain @ Nurnain Miya, R/o Vill.- Shambhu Tola, Jaisinghpur Belghatti, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Sri Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioners, the informant and the learned A.P.P. for the State.

The petitioners seek bail in Chhauradano P.S. Case No. 101/2017, instituted for offences under Section(s) 448, 376 and 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioner no. 1 is cousin brother of informant and petitioner no. 2 is brother-in-law (Bhaisur) of informant. Informant is habituated in filing such cases against the petitioners due to land dispute. It is mentioned in paragraphs 10 and 11 of the bail petition that informant had earlier filed complaint petition bearing Complaint Case No. 2478/2015 against her husband and



others including petitioner no. 2 for the offences under Section 498(A), 406 of the Indian Penal Code read with Sections 3/4 of D.P. Act but the court below did not take cognizance against petitioner no. 2 and others except her husband, namely, Afroz Alam.

On 27.03.2017 mother of informant Amtun Nesha had lodged F.I.R. against petitioner no. 2 along with others vide Chhauradano P.S. Case No. 57/2017, in which petitioner no. 2 is on bail.

Learned counsel for the petitioners has submitted that when cognizance was not taken against petitioner no. 2 in Complaint Case No. 2478/2015 then the instant case has been filed. Informant has not been medically examined during investigation.

From the impugned order, it appears that there is no medical report of the victim.

Petitioners are in custody since 24.08.2018 and 19.09.2018 respectively.

Considering the aforesaid facts and circumstances, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, 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 S.D.J.M.,
Raxaul at Motihari, East Champaran in connection with
Chhauradano P.S. Case No. 101/2017, subject to the conditions
that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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