

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58902 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- MANIYARI District- Muzaffarpur

1. Md. Gulab, Son of Mehadi Hasan @ Mehendi Hussain Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.
2. Md. Samsad, Son of Md. Ali Hussain Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.
3. Md. Naushad, Son of Md. Ali Hussain Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.
4. Md. Ali Hussain, Son of Late Md. Ibrahim Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.
5. Mehadi Hasan @ Mehendi Hussain, Son of Late Md. Ibrahim Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.
6. Md. Najeer, Son of Late Md. Ibrahim, Resident of Village- Mornisf Naya Tola, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-12-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354, 376/511 and 504/34 of the IPC.

The prosecution case is to the effect that on 15.11.2018 at about 7.00 A.M., the informant went to ease out, but in the meantime, petitioner no.1, Md. Gulab and petitioner no.2, Md.



Samshad caught her and started kissing her and also made an attempt to ravish the informant. Subsequently, on alarm being raised, when the nearby people assembled, they escaped from the scene. It is further alleged that when the informant's family met with petitioners' family, then all the accused persons including the petitioners assaulted the informant and her sister-in-law.

It is submitted by learned counsel for the petitioners that most of the petitioners are neighbour of the informant and due to earlier enmity, the accusation has been levelled against the petitioners. It is further alleged that for the alleged occurrence of 15.11.2018, the complaint case was filed on 19.12.2018, which came to be registered as a police case, after the same being transferred under Section 156(3) of the Cr. P.C., on 10.03.2019, but prior to the registration of FIR, the informant retracted from her initial version and on 16.01.2019, she filed compromise-cum-withdrawal petition for the present case before the learned Court below. Moreover, medical examination of the informant has not been conducted. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, after going through the case diary, submits



that all the petitioners are named in the FIR and the accusation is specific against petitioner nos. 1 and 2.

Considering the delayed lodging of the case, filing of compromise-cum-withdrawal petition by the informant prior to the registration of FIR before the learned Court below and investigation already being concluded, coupled with fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, West Muzaffarpur in connection with Maniyari P.S. Case No. 52 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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