

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66391 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- RAHIKA District- Madhubani

1. MD. JUBAIR @ MD. JUBAID @ MD. JUBER Son of Sabir Resident of Village - Laksayar, P.S.- Rahika, Distt.- Madhubani.
2. Md. Naushad @ Naushad Son of Md. Sabir Resident of Village - Laksayar, P.S.- Rahika, Distt.- Madhubani.
3. Md. Tammane @ Tamanne Son of Md.Ali Raja Resident of Village - Laksayar, P.S.- Rahika, Distt.- Madhubani.
4. Md. Sabir Son of Late Md. Fermud Resident of Village - Laksayar, P.S.- Rahika, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 504,506, 448, 354, 379/34 of the Indian Penal Code registered in connection with Rahika P.S. Case No.52 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged outraging of modesty and assaulting the informant as also snatching her silver hasuli and taking away a box. It is submitted that the accusation of outraging modesty is specifically alleged against the petitioner no. 1 which is in any event highly improbable in the presence of his brother and father (petitioner nos. 2 and 4 respectively). It is further submitted that the accusation of theft is merely ornamental. There is delay in lodging the FIR on 28.05.2019 for the alleged occurrence of 27.05.2019.

4. Be that as it may, in the event of the petitioners arrest or



surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJMI, Madhubani, in connection with Rahika P.S. Case No.52 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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