

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78806 of 2019

Arising Out of PS. Case No.-374 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Muslim Safi @ Md. Moslim Baitha s/O Late Abdul Safi @ Abdul Baitha
R/o Village- Chhoti Bhadian, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabnam Khatoon w/o Md Laddu Safi R/o Vill-Chhoti Bhadian, PS nanpur,
Distt. Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in Complaint Case no. 374/2013 wherein cognizance was taken for the offence under sections 323 and 354 of the Indian Penal Code.

As per the allegation in the complaint, the petitioner is said to have entered into the house of the complainant and assaulted her.

It is submitted by learned counsel for the petitioner that although the complaint was filed under various sections of the Indian Penal Code including section 376 of the IPC to give it a serious look but after enquiry cognizance was taken under sections 323 and 354 of the Indian Penal Code of which only section 354 IPC is non-bailable. It is further submitted that both the sides are related to each other. There is case and counter case between the parties including Title Suit no. 102 of 2013 in



which the defendant no. 1 is the father-in-law of the complainant, plaint of which has been brought on record as Annexure 4 to the application,

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Complaint Case No. 374 of 2013 is directed to be enlarged 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 Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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