

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.108 of 2020

Arising Out of PS. Case No.-25 Year-2019 Thana- JOKIHAT District- Araria

1. Mokhtar @ Munna Son of Late Sihid
 2. Haseeb Son of Late Sihdu
 3. Sonu Son of Mokhtar @ Munna
 4. Jawed Son of Late Tazzo
 5. Bibi Gulshan W/o Mokhtar @ Munna
 6. Rounak Son of Jawed
 7. Samshun Nishan W/o Late Tazuddin
- All are residents of Village - Gairki, P.s.- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 379, 384, 354(B), 504 and 506 of the Indian Penal Code.

Prosecution case, in brief, is that on 09.11.2018 while the informant was coming to her house after purchasing the articles for her shop from Gerki Hat, all the accused persons intercepted the informant started assaulting her with fists, slaps, lathi and danda and looted away the articles of her shop worth Rs. 5,000/-. It has further been alleged that the accused persons



Hasib, Munna, Jawed and Sonu pulled the informant down and tore her clothes and made her naked. Accused Gulsan @ Chunni having a knife in her hand gave order to other accused to outrage her modesty and on being so ordered, accused persons Mukhtar and Hasib started dragging her from there but seeing the villagers coming, accused persons Hasib, Mukhtar, Jawed and Sonu sat on the chest of informant started assaulting her and accused Hasib on the point of knife demanded Rs. 10,000/- as extortion money for running her shop otherwise he will kill her. In the meantime the villagers came there and intervened into the matter.

It has been submitted on behalf of the petitioners that petitioners have falsely been implicated in this case merely on the basis of land dispute. It has further been submitted that both the parties are *Gotiya*. It has further been submitted that there is inordinate delay of 5 days in lodging FIR without plausible explanation. The petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged 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 Chief
Judicial Magistrate, Araria in connection with Jokihat P.S. Case
No. 25 of 2019 on the following conditions:-

(1) Petitioners shall co-operate in the trial and
shall be properly represented on each and every date fixed
by the Court and shall remain physically present as
directed by the Court and their absence on two
consecutive dates without sufficient reason, their bail
bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence
or the witnesses, in that case the prosecution will be at
liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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