

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2285 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- BELSAND District- Sitamarhi

1. MD. JAHIR Son of Md. Shamim Resident of Village - Maulanagar, P.S.- Belsand, Distt.- Sitamarhi.
2. Md. Atik Ahmad Son of Late Abdul Hasib Resident of Village - Maulanagar, P.S.- Belsand, Distt.- Sitamarhi.
3. Md. Shamim Son of Late Abdul Rahupa Resident of Village - Maulanagar, P.S.- Belsand, Distt.- Sitamarhi.
4. Md. Sahim Son of late Md. Jamir Resident of Village - Maulanagar, P.S.- Belsand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Belsand P.S. Case No. 60 of 2018 for the offence punishable under Section 354 of the Indian Penal Code.

The allegation is regarding the accused persons having abused, assaulted and disrobed the informant with ulterior motive.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



the present case and while the petitioner no.1 is the father-in-law of the victim lady, petitioner no.2 is villager and petitioners no. 3 and 4 are brother-in-laws of the victim lady. It is further submitted that the complaint petition itself would bear it out that the same has been filed after a lapse of about two years inasmuch as the date of incident is stated to be 15.10.2015 whereas the complaint petition was filed on 17.10.2017, whereafter the FIR was registered on 7.4.2018. It is further submitted that the six children of the complainant/ informant are being looked after by the petitioners and the husband of the victim lady and the proceedings of yet another case lodged by the victim lady would bear it out that the informant/ complainant has been making false allegation, which is apparent from Annexures-2 and 3 of the present petition. It is submitted that while the petitioner no.2 is having a clean antecedent, petitioners no.3 and 4 have been made an accused in one case by the same informant/ complainant, however, they have been granted anticipatory bail in the said case. This fact of the matter has been stated in paragraph no.10 of the present petition.

Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the petitioners coupled with the fact that the



complaint has been lodged belatedly, after a period of two years, I deem it fit and proper to direct for release of the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Sitamarhi in connection with Belsand P.S. Case No. 60 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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