

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66164 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- BHAGWANPUR District- Vaishali

1. Md. Mansoor Ansari S/o Abdul Jabbar @ Md. Jabbar Rahmun R/o village-Bihari, P.S.- Bhagwanpur, Distt.- Vaishali
2. Md. Jawed Ansari @ Md. Jawed S/o Md. Tahir Mian @ Md. Tahir Ansari R/o village- Bihari, P.S.- Bhagwanpur, Distt.- Vaishali
3. Md. Iftekhar @ Md. Istewar S/o Md. Ashik @ Md. Ashik Ansari R/o village- Bihari, P.S.- Bhagwanpur, Distt.- Vaishali
4. Padua @ Saddam @ Md. Saddam S/o Md. Murtuza @ Murtuza R/o village-Bihari, P.S.- Bhagwanpur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323, 354B, 376/511 and 509/34 of the Indian Penal Code.

The prosecution case as per the written report of Sakina Khatoon submitted to the Station House Officer of Bhagwanpur Police Station is to the effect that on 26.06.2019 at 6.30 P.M., six accused persons including the petitioners came at the house of the informant and dragged the informant and her



mother, Sairun Khatoon by catching hold of their hair locks and paraded them in the village and their head was tonsured. It is further alleged that the accused persons also assaulted the informant and her mother and attempted to ravish the informant.

It is submitted by learned counsel for the petitioners that the accusation of outraging the modesty and making attempt to establish forceful physical relationship is against co-accused Md. Khurshid and not against the petitioners. The medical report does not suggest that the hair of the informant and her mother's head were tonsured. It is further submitted that there is no injury report on the record to corroborate the accusation and the informant has retracted from the initial version and filed a petition to that effect before the learned Court below.

Learned APP after going through the case diary submits that the informant suggested that after tonsuring head of the informant and her mother, the accused persons paraded them in the village and tried to ravish the informant.

Considering the accusation being omnibus and general against the petitioners, thrust of accusation being against co-accused Md. Khurshid and the fact that the informant has retracted from the initial version, coupled with the statement made in paragraph 3 of the petition that the petitioners are not



having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 154 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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