

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85752 of 2019

Arising Out of PS. Case No.-177 Year-2019 Thana- BELA District- Sitamarhi

1. Md. Intakhab (Male), aged about 30 years, Son of Md. Jasuddin Resident of Village - Betaha, P.S.- Bela, Distt.- Sitamarhi.
2. Md. Mantkhab (Male), aged about 26 years, Son of Md. Jasuddin Resident of Village - Betaha, P.S.- Bela, Distt.- Sitamarhi.
3. Sabnam Nisha @ Sabnam Khatoon (Female), aged about 46 years, W/o Md. Jasuddin Resident of Village - Betaha, P.S.- Bela, Distt.- Sitamarhi.
4. Prabin Khatoon (Female), aged about 19 years, D/o Md. Jasuddin Resident of Village - Betaha, P.S.- Bela, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Bela P.S. Case No. 177 of 2019 registered for offences under sections 341, 323, 324, 307, 452, 379, 354, 504/34 of the Indian Penal Code.

In the present case, the petitioners are family members. Initially, a complaint case was filed bearing Complaint Case No. 794 of 2019 but, the Magistrate, exercising the power under Section 156(3) of the Cr.P.C., directed to lodge



First Information Report which has been registered as Bela P.S.
Case No. 177 of 2019.

In the First Information Report, an allegation has been made that the petitioners have assaulted the victim and also used filthy language against Informant's side. It has further been stated that the accused persons have also snatched the valuables from the body of the family inmates.

Learned counsel for the petitioners submits that before institution of the present case, the F.I.R. bearing Bela P.S. Case No. 134 of 2019 was instituted by the petitioners' side in which Sabnam Khatoon was the Informant. In that case, the allegation was made that Md. Wakil, Babujan and Md. Badu, in a drunken condition, started hurling abuses and also entered into the house and tried to outrage the modesty of the female inmates. He further submits that as a counter blast, the present case has been lodged against the petitioners without any real fact rather they have fabricated the fact for the purpose of present case.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released 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 learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P.S. Case No. 177 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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