

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32051 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- RAUTARA District- Katihar

1. Ikramul Haque @ Ikramul, aged about 32 years (Gender-M), S/o Rustam Ali
2. Saidul @ Saidur Rahman, aged about 33 years (Gender-M), S/o Usman Ali

Both residents of village- Chanpi, P.S.- Rautara, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 03-09-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Bimal Kumar, learned counsel for the petitioners and Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Rautara PS Case No. 18 of 2021 dated 08.02.2021, instituted under Sections 341/323/307/354(B)/379/504/506/34 of the Indian Penal Code.



5. The allegation against the petitioners and seven others is of assault on the informant's son and her other family members and also of trying to outrage the modesty of the informant as well as her daughter.

6. Learned counsel for the petitioners submitted that the parties are co-villagers and neighbours and live close by and prior to the present case, co-accused Md. Humayoun had lodged Rautara PS Case No. 17 of 2021 for the same incident in which it is alleged that the son of the informant had tried to commit rape with his daughter by forcibly taking her to his under-construction house and upon cry raised by her, others had come and the informant's side had assaulted due to which injury was caused and they were treated at Sadar Hospital, Katihar. Learned counsel submitted that out of nine co-accused, seven had been granted bail by the Court below and only the prayer for anticipatory bail of the present two petitioners was rejected only on the ground that there was specific allegation of assault on them. Learned counsel submitted that in the fight, both sides have received injuries and the so-called assault by the petitioners has resulted in only simple injury, copies of which have been brought on record *vide* Annexure-3 series. It was further submitted that the petitioners have no other criminal



antecedent.

7. Learned APP submitted that the petitioners have assaulted the informant side. However, in view of copies of injury reports having been brought on record, he did not controvert the fact that the same are simple in nature.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Katihar in Rautara PS Case No. 18 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.



9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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