

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31447 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- DHAKA District- East Champaran

1. Md. Mobin @ Abdul Mobin, aged about 40 years, Male, S/o Late Seikh Muslim
2. Md. Motin @ Motin, aged about 42 years, Male, S/o Late Seikh Muslim
3. Ataur Rahman, aged about 21 years, Male
4. Atikur Rahman, aged about 20 years, Male, both S/o Md. Motin @ Motin, all resident of Village and P.S.-Dhaka, Ward No.16, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhaka P.S. Case No. 300 of 2019 registered for the offences punishable under Sections 452, 376, 511, 354, 341, 323, 325, 308, 504, 506, 34 of the Indian Penal Code.

The allegation alleged in the F.I.R. is that on 23.08.2019 at about 12.30 hours, informant was sleeping in her room and she is pregnant of 7 months and her husband was sleeping at the floor of the house in meantime her neighbourer Md. Mobin entered into the house and try to commit rape, when



she wake up restrain, she made hulla, then he closed the mouth by cloth, on the restrain by the informant assaulted in her private part and further alleged that she received several injury and her body, husband of the informant heard the hulla and came in her room and try to apprehend to Md. Mobin but he fled away thereafter mother and father in law came and try to apprehend thereafter, brother of the petitioner Md. Motin and two nephew Ataur Rahman and Atiqur Rahman came assaulted to her husband and mother in law by fist and slap when villagers came, accused persons fled away and further alleged that Md. Mobin is characterless person.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. The petitioners and informant are residing next door neighbour and belong to same very family. He further submits that there is specific allegation against petitioner no.1. There is no specific allegation against petitioner nos.2 to 4. There is general and omnibus allegation against petitioner nos.2 to 4. There is case and counter case between the parties. Petitioner no.4 lodged an F.I.R. as Dhaka P.S. Case No.298 of 2019 on 24.08.2019 under Sections 323, 341, 324, 307, 504, 506 and 34 of I.P.C. against the husband of the informant and other persons and thereafter,



the present informant has filed this case against the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1, namely, Md. Mobin @ Abdul Mobin on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1 is hereby rejected.

So far as petitioner nos.2 to 4 are concerned, let the above named petitioner nos.2 to 4 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarahana at Dhaka, District- East Champaran, Motihari in connection with Dhaka P.S. Case No. 300 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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