

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31940 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- COMPLAINT CASE District-
Kishanganj

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1. Shabbir @ Sabbir, S/O Hakimuddin Resident Of Village- Chamatiya, P.S.- Pothia, District- Kishanganj.
 2. Shamsul @ Samasudden, S/O Nebua Resident Of Village- Chamatiya, P.S.- Pothia, District- Kishanganj.
 3. Shaheed, S/O Hakimuddin Resident Of Village- Chamatiya, P.S.- Pothia, District- Kishanganj.
 4. Tousif, S/O - Shamsul Resident Of Village- Chamatiya, P.S.- Pothia, District- Kishanganj.
 5. Shahansha, S/O Salimuddin Resident Of Village- Chamatiya, P.S.- Pothia, District- Kishanganj.
 6. Naushad @ Noshan, S/O Sabir Resident Of Village- Gwaltoli, P.S.- Pothia, District- Kishanganj.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
323, 354(B), 379 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
informant alleges that petitioner no.1 had evil eyes on the victim



and had tried to sexually assault her in the part, but on intervention of villagers had promised not to repeat the act. It is next alleged that on 23.10.2021, when the victim was alone in her house when petitioner no.1 harassed her with an evil intent. It is next alleged that when victim opposed, petitioner no.1 dashed her on the ground, dragged by hair and brought her on the road and further called the other accused persons. Thereafter, petitioner no.2 and petitioner no.6 disrobed her and petitioner no.4 snatched gold chain worth Rs.50,000/- and petitioner no.5 took Rs.10,000/- from a box and clothes worth Rs.15,000/- and Ramzan Ali destroyed good worth Rs.50,000/- in the house.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that the allegation are also general and omnibus in nature. It is next submitted that only allegation is of attempt and as far as allegation of disrobing the informant by petitioner nos.2 and 6 is alleged, the same gets falsified from the fact that petitioner no.6 was in Dubai and he had travelled on 25.01.2022 from Dubai to New Delhi, when the date of occurrence is 23.10.2021 and as far as allegation of snatching articles and goods are alleged, the same is ornamental in nature. It is also submitted that it absolutely does not stand to reason



that if petitioner no.1 had any intention of committing any wrong with the informant, then why he would have brought her outside the house and called all the accused persons for committing the occurrence.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.C-551 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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