

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54703 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Md. Aslam Son of Shekh Aliyas Resident of Village- Hasanpur, P.S.- Kundwa Chainpur, District- East Champaran, Motihari
 2. Mumtaj @ Shekh Mumtaz@ Momtaj Son of Shekh Aliyas Resident of Village- Hasanpur, P.S.- Kundwa Chainpur, District- East Champaran, Motihari
 3. Md. Rustom Son of Shekh Aliyas Resident of Village- Hasanpur, P.S.- Kundwa Chainpur, District- East Champaran, Motihari
 4. Shekh Aliyas Son of late Shekh, Subhan Resident of Village- Hasanpur, P.S.- Kundwa Chainpur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioners and the

State.

Petitioners apprehend their arrest in a case registered
for the offence punishable under Section 379/506 and other
allied sections of the Indian Penal Code.

Prosecution's case in short is that the petitioners
pelted stones on the house of the informant and on protest they
assaulted and tried to outrage modesty of informant and her
family members. They snatched golden chain from the neck of
the informant.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is case and counter case in which both sides sustained injuries. There is no injury report on the record. It is further submitted that there is some delay in lodging of the FIR and there is no plausible explanation of delay which itself creates doubt over the prosecution case. Petitioners have got no criminal antecedent.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, 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 the Additional Chief Judicial Magistrate VI, Sikrahana at Dhaka, Motihari, East Champaran in Kundwa Chainpur Police Station Case No. 196 of 2021, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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