

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17624 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. RUSTAM MIAN @ RUSTAM ANSARI S/O LATE TASRUM ANSARI
R/O VILLAGE- KAPARPURA, P.S- UCHAKAGAON, DISTRICT-
GOPALGANJ
2. ASLAM MIAN @ ASLAM ANSARI @ MAHAMMAD ASLAM S/O
LATE TASRUM ANSARI R/O VILLAGE- KAPARPURA, P.S-
UCHAKAGAON, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate.
		Mr. Viyas Kumar Mishra, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, A.P.P.
For the Opposite Party No.2:		Mr. Paresh Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard the parties.

Petitioners apprehend their arrest in connection with Uchakagaon P.S. Case No. 428 of 2022 dated 18.11.2022 registered for the offence punishable under Sections 147, 149, 323, 337, 354-B, 379, 427 and 504 of the Indian Penal Code.

As per the First Information Report, while the informant was engaged in getting the pipeline assembled near his house with the help of Plumber which was objected by the petitioners and the petitioners along with other accused persons armed with lathi, danda, bricks and stone, abused the informant and objected him from laying the water pipe in the wall and in



that process, the petitioners dragged the wife of the informant on the ground after catching her hair and petitioner No. 1 torn the clothes of informant's sister-in-law in order to outrage her modesty.

Learned counsel for the petitioners submits that both the parties are close door neighbours and dispute arose on the ground of laying pipeline in the wall. He further submits that the First Information Report has been lodged based upon the concocted story and the petitioners have not committed any offence in the manner alleged and no apparent serious injury has caused to the side of the informant by the petitioners and others.

On the other hand, learned counsel for the informant as well as State vehemently opposed the prayer for bail and submits that there is specific allegation against the petitioners that they assaulted and outraged the modesty of the family members.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that both the parties are close door neighbours and the dispute arose on a trivial issue of laying the water pipeline, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IX, Gopalganj, in connection with Uchakagaon P.S. Case No. 428 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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