

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26329 of 2023

Arising Out of PS. Case No.-202 Year-2017 Thana- KAMTAUL District- Darbhanga

1. HAIDAR ANSARI @ HAIDAR ALI SON OF MD. ZAFEER ANSARI R/O VILL.- MANGARTHU, P.S.- KAMTAUL, DISTT.- DARBHANGA
2. NOOR ANSARI @ NOOR ALAM SON OF ZAFEER AANSARI R/O VILL.- MANGARTHU, P.S.- KAMTAUL, DISTT.- DARBHANGA
3. GULAM RASOOL @ GULAM NABI @ GULAM RASOOL ANSARI @ GULAB ANSARI @ GULAM VI SON OF ZAFEER ANSARI R/O VILL.- MANGARTHU, P.S.- KAMTAUL, DISTT.- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kamtaul PS case no. 202 of 2017, registered for the offences punishable under Section 354B and other allied sections of the Indian Penal Code.

The accused persons including the petitioners, variously armed, are alleged to have arrived at the house of the informant on the alleged date and time of occurrence, whereafter they had tried to outrage her modesty and disrobe her but in the meantime, her father came there to save her but the



petitioners started assaulting him with knife, *katta* and iron rod. The petitioner no. 3 is also alleged to have attacked the informant and assaulted her on her private parts.

The learned counsel for the petitioners submits that the petitioners are innocent and they been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners are accused in one another case but they are on bail in the said case. It is also submitted that a general and omnibus allegation has been levelled against the petitioners and the injuries sustained by the injured persons have been found to be simple in nature. Lastly, it is submitted that the present case arises out of case and counter case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the categorical assertion of the learned counsel for the petitioners that the injured persons i.e. the informant and her father have sustained simple injuries, though I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject



to verification by the learned trial court as to whether the injuries sustained by the informant and her father are simple in nature or not.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Darbhanga in connection with Kamtaul PS case no. 202 of 2017, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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