

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38300 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- AKBARPUR District- Nawada

1. GAUS SANAULLAH @ SANAWAR @ SANAULLAH Son of Md. Safik Shah Resident of P.O. - Bhadauni, P.S. - Akbarpur, Distt. - Nawada
2. Md. Modassir Son of Md. Safik Shah Resident of P.O. - Bhadauni, P.S. - Akbarpur, Distt. - Nawada
3. Md. Mozammil Shah Son of Md. Safik Shah Resident of P.O. - Bhadauni, P.S. - Akbarpur, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Barial, Adv.

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the parties.

2. Petitioners apprehend their arrest in connection with Akbarpur P.S. Case No.397/2022, registered for the offence punishable u/s 341, 323, 354(B), 379, 504, 506/34 of the IPC.

3. As per the prosecution case, the petitioners entered into the house of the informant and started abusing and on protest by the informant, petitioner no.1 caught hold of the informant's hand, petitioner no.2 snatched her scarf and petitioner no.1 started to touch her body. It is further alleged that the petitioners dragged the informant, due to which she got semi-naked and when her brother came to save her, they surrounded him and assaulted him by means of sword. It is further alleged that petitioner no.1 always used to molest the informant.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case with ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that for the alleged occurrence, there is case and counter-case between the parties and firstly, the petitioner's side has filed a case against the informant's side, thereafter, the present case has been lodged against the petitioners. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific overt act against the petitioners.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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