

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39786 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

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1. MD MUSTAFA, SON OF MD. SAFI, RESIDENT OF VILLAGE AND PO-CHATURSI, PS- SIWAIPATTI, DISTRICT- MUZAFFARPUR
 2. MD. SAFI, SON OF MD. HANIF, RESIDENT OF VILLAGE AND PO-CHATURSI, PS- SIWAIPATTI, DISTRICT- MUZAFFARPUR
 3. MD. KURBAN @ MD. KURBAN MANSURI, SON OF MD. CHHATHU, RESIDENT OF VILLAGE AND PO- CHATURSI, PS- SIWAIPATTI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-08-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Siwaipatti P.S. Case no. 47 of 2023, registered under sections 307, 376, 341, 447, 448, 323, 427, 354, 328, 511, 379, 504, 506 and 34 of the Indian Penal Code and section 3/4 of the Prevention of Witch (Daain) Practices Act.

3. As per the allegation in the F.I.R, the five named accused persons including the three petitioners herein are said to have come variously armed and in an intoxicated state. The



informant states that they started to abuse her and on her resistance, they outraged her modesty. It is further stated that she as also her 14 years old daughter were assaulted by the accused persons, who also took away a gold chain.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. They belong to the same family. There is an unexplained and inordinate delay in lodging of the F.I.R. There is no eye witness to the alleged occurrence and the petitioners have no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the three petitioners in the F.I.R, wherein, they are said to have outraged the modesty of the informant and thereafter assaulted both the informant as also her 14 year old daughter, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned trial Court within a period of four weeks.

8. In case the petitioners surrender within the aforesaid period and pray for regular bail, the same shall be



considered by the learned trial Court without being prejudiced
by this order of rejection.

(Partha Sarthy, J)

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