

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39100 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- SHAMBHUGANJ District- Banka

1. MD. YASIM @ MD. ASHIN @ MD. AASIB S/O MD. NASIM R/O Village- Chutiya Pahar, PS. Shambhuganj, Dist. Banka
2. MD. KALAM S/O MD. ALAM @ GUJJAR R/O Village- Chutiya Pahar, PS. Shambhuganj, Dist. Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Shambhuganj Police Station Case No. 07 of 2023, dated 05.10.2023, disclosing offences under Sections 376/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that while the informant, along with her daughter had gone to attend the call of nature, the petitioners and other accused persons committed rape upon her.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case



based upon concocted story inasmuch as the date of occurrence is 04.08.2022, but the First Information Report has been lodged after four months on 16.12.2022. He further submits that there is a previous criminal litigation between the parties. Informant had earlier lodged Shambhuganj P. S. Case No. 173 of 2022 against the petitioner no. 1 and after the petitioner no. 1 got bail in the said case, the present complaint-First Informant Report has been lodged, which is in retaliation for the Shambhuganj P. S. Case No. 172 of 2022, lodged by the petitioner no. 1 against the informant and her family members.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is a previous criminal litigation between the parties and First Information Report has been lodged after delay of four months, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Banka, in connection with Shambhuganj Police Station Case
No. 07 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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