

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49472 of 2023

Arising Out of PS. Case No.-293 Year-2018 Thana- JOKIHAT District- Araria

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1. Amin @ Aminuddin, Son of Tajuddin Resident of village - Thapkoul, P.S. - Jokihat, Distt. - Araria
 2. Afsar @ Afsar Alam, Son of Basir Resident of village - Hardar, P.s. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Jokihat P.S. Case No. 293 of 2018, registered on 29.09.2018, for the alleged offence under Sections 341, 323, 324, 379, 354(B), 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons surrounded the informant and her husband and assaulted them with leg, fists, *lathi* and *danda*. They also threatened the husband of the informant with life with a knife and demanded money from him and on his refusal, he was further assaulted and his silver locket and chain were snatched. The



informant was put down and she was sexually assaulted.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case is counterblast of Jokihat P.S. Case No. 287 of 2018, which was lodged earlier by the father of petitioner no. 1 for an occurrence which took place on 25.09.2018, in which, the husband of the informant and other co-accused persons assaulted the petitioners. In retaliation thereof, the instant case has been lodged by the informant. Learned counsel further submits that the present FIR has been lodged after delay of 08 days and there is no explanation for the same. Learned counsel further submits that application of Section 354(B) and 379 of the Indian Penal Code is superfluous and ornamental.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier case of the petitioner and further considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 293 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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