

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51424 of 2023

Arising Out of PS. Case No.-792 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Md. Anzar Son Of Taslim R/O-Balha, P.S.-RAJNAGAR, Distt.-MADHUBANI
 2. Md. Azauddin Son Of Taslim R/O-Balha, P.S.-RAJNAGAR, Distt.-MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abaida Khatun Wife Of Imamul R/O-Balha, P.S.-Rajnagar, Distt.-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Uday Chand Prasad, APP
For the Complainant/s	:	Mr. Ratanakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 09-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 792 of 2021 dated 07.12.2021 registered for the offences punishable under Sections 147, 341, 323, 324, 354B, 504, 120B and 376 read with 511 of the Indian Penal Code.



4. As per the prosecution case, when the victim went to attend the call of nature, the petitioner Md. Anzar attempted to commit rape upon her and tore her clothes. On *halla*, the complainant went there and saved her and when the complainant asked about the said act, then all the accused persons came and assaulted her. In the meantime, the petitioner No. 1 attacked the complainant with a knife on her head and tore her clothes. On raising alarm, all the accused persons fled away.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case on account of land dispute. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that no injury was caused to the complainant. There is general and omnibus allegation against the petitioner No. 2. The petitioners did not molest the sister of the informant.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Complaint Case No. 792 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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