

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60847 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- NAANPUR District- Sitamarhi

1. Md. Kamruddin Ansari @ Md. Quamruddin S/O Late Salim Ansari R/O Village- Nanpur, P.S.- Nanpur, Distt- Sitamarhi.
2. Hasib Ansari @ Md. Hasibuddin S/O Md. Kamruddin Ansari @ Md. Quamruddin R/O Village- Nanpur, P.S.- Nanpur, Distt- Sitamarhi.
3. Halima Khatoon @ Salima Khatoon W/O Md. Kamruddin @ Md. Quamruddin R/O Village- Nanpur, P.S.- Nanpur, Distt- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ratneshwar Prasad- Advocate
For the Opposite Party/s :	Mr. Binod Kumar- A.P.P.
	Mr. Sita Ram Prasad- Advocate
	Mr. Rohit Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 354, 504, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner nos.2 and 3 are persons with clean antecedent and petitioner no.3 is a woman and the informant, Naima Khatoon, alleges that petitioner no.1 assaulted her brother with slaps and when she protested, then he abused her and assaulted her with his legs.



Thereafter, petitioner no.1 tried to commit rape and kicked her on the stomach with an intention to kill her child in womb. Thereafter, it is alleged that petitioner nos.2 and 3 abused the informant and tried to strangle her and even took her gold ear-ring. It is next alleged that blood started oozing out from her private part.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the entire family members have been implicated. It is further submitted that on account of dispute relating to land, the present false case came to be instituted. The learned counsel next submits that the informant alleges that she was pregnant and she was kicked which led to bleeding from her private parts. It is further submitted that occurrence is of 06.02.2022, but then, there is no injury report on record or in the case diary even to remotely suggest that the informant had approached the doctor with a complain that she was bleeding from her private parts.

It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that initially, the allegation is that his brother was assaulted by the petitioner no.1, when she intervened she alleges that she was



also assaulted in the manner as alleged, but then, it is submitted that the allegation is exaggerated. It is also submitted that there is delay of two days in instituting the F.I.R. without any plausible explanation.

The learned counsel for the informant as well as learned Additional P. P. opposes the bail application of the petitioners and submits that the informant had gone to the doctor on the date of occurrence itself, but then submits that the only complain was of pain in the abdomen and the report of the doctor does not record with regard to bleeding from the private parts. It is further submitted that on 09.02.2022, again the informant had gone to the doctor where it is recorded that there was bleeding from the private parts.

The learned counsel for the petitioners rebuts the submission and submits that the alleged injury though not on record, but as submitted by the learned counsel for the informant is manipulated for the reason that it absolutely does not stand to reason that if the occurrence had taken place on 06.02.2022 wherein it is alleged that she was assaulted leading to bleeding from a private parts, then why no such finding was there in the medical report dated 06.02.2022.

Be that as it may, considering the submissions and



after hearing the parties, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri at Sitamarhi in connection with Nanpur P. S. Case No.54 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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