

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4726 of 2024**

Arising Out of PS. Case No.-182 Year-2023 Thana- KUTUMBA District- Aurangabad

1. MD. UMAR TAZ @ UMARTAZ Son of Md. Jilani Ansari R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
2. Md. Mustakh @ Raju Son of Mahboob Ansari R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
3. Md. Yusuf Son of Nasim Ansari R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
4. Md. Fauji Son of Md. Ahsan R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
5. Md. Nawaj Son of Jahagir R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
6. Md. Gufran @ Mister Gulam @ Gulam Son of Gulam Jilani R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
7. Irfan Ansari Son of Barkat Hussain R/o vill - Bandua, P.S. - Kutumba, Distt. - Aurangabad
8. Md. Raja Son of Md. Sharif Ansari R/o vill - Sandi, P.S. - Kutumba, Distt. - Aurangabad
9. Chand Alam Son of Illiyas Ansari R/o vill - Sandi, P.S. - Kutumba, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate  
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      20-02-2024      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kutumba P.S. Case No. 182 of 2023 for the offence under sections 147, 148, 149, 341, 323, 354, 354(A), 427, 379, 153(A), 504, 506 of the I.P.C. and section 27 of the



Arms Act lodged on 30.07.2023 by the informant, Poonam Devi.

3. As per the prosecution story, the allegation is that when the informant was cutting grass, the accused persons armed variously came and assaulted. The further allegation is of outraging her modesty. The tractor was damaged and the cow was taken away. There are many other allegations which include the looting of jewellery as also opening of fire. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that ten persons have been named in the FIR, nothing attributed against any individual, all are omnibus in nature, none of them have criminal antecedent.

5. Learned APP opposes the prayer stating that there is allegation of assault and outraging the modesty as also looting of jewellery/cow.

6. Considering the submissions put forward by the parties as also that the allegation is omnibus in nature, none of them have criminal antecedent as recorded in paragraph 3 of the petition, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event



of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM VI, Aurangabad, in connection with Kutumba P.S. Case No. 182 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory  
bail application is allowed.

**(Rajiv Roy, J)**

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