

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19548 of 2024

Arising Out of PS. Case No.-112 Year-2019 Thana- DHAMDAHA District- Purnia

1. MD. SHAMSHER @ SHAMSHER ALAM SON OF GAFFAR RESIDENT OF VILLAGE - SANUA, P.S. - DHAMDAHA, DISTRICT - PURNIA
2. MD. MUMTAZ @ MD. MUMTAZ ALAM SON OF AZIZ RESIDENT OF VILLAGE - SANUA, P.S. - DHAMDAHA, DISTRICT - PURNIA
3. MD. MOIEN SON OF KHURSHED RESIDENT OF VILLAGE - SANUA, P.S. - DHAMDAHA, DISTRICT - PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dr. Bidhu Ranjan Ms. Diksha Kumari Mr. Saurav Anand
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey,

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2024 1. Heard learned Senior counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 354, 427, 376(C), 313, 314, 504, 506 and 34 of the Indian Penal Code.

3. Learned Senior counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant with an allegation that the accused persons including the petitioners



raped her on 04.03.2019 and twenty days thereafter she started nauseating, thereafter, it is alleged that on 14.04.2019, the accused persons including the petitioners got her forcefully administered pills leading to her abortion and thereafter on 19.04.2019 the instant FIR came to be instituted.

4. The learned Senior counsel for the petitioners next submits that police after threadbare investigation came to a considered conclusion that petitioners have been falsely implicated in the instant case and thus submitted final form exonerating the petitioners, but then the learned Trial Court differing with the police report in a mechanical manner took cognizance. It is next submitted that whether it would be prudent for this Court to send the petitioners to jail when one Investigating Agency after threadbare investigation exonerated them of the allegations and based on the same investigation cognizance came to be taken. It is further submitted that police submitted charge sheet implicating Md. Idrish only.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned Senior counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial



court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhamdaha P.S. Case No. 112 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

