

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55155 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- ADAPUR District- East Champaran

Shahmad Mian @ Shad Mohammad Mian @ Shah Mohammad Mian @ Shad
Mohammad S/O Late Hanif Mian R/O Village- Sudhi Belwa, P.S- Hapur,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Adapur P.S. Case No. 193 of 2023, registered for the alleged offence under Sections 341, 323, 324, 326, 379, 354(B), 148, 149, 448, 504 of the Indian Penal Code.

03. As per prosecution case, the petitioner entered into the house of the informant when his daughter was alone and tried to commit rape with her. When the family of the informant opposed the act of the petitioner, the petitioner and other co-accused persons, who were variously armed, assaulted the informant as well as mother, daughter and wife of the informant, causing a number of injuries to them. They also took away Rs.



50,000/- cash and ornaments and clothes from the house of the informant.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is counter version of this case as Adapur P.S. Case No. 196 of 2023 has been lodged by the daughter of co-accused- Raza Hussain against the informant and his family members under Sections 341, 323, 324, 325, 354(B), 448, 380, 504/34 of IPC. Learned counsel further submits that the parties are next door neighbours and on trivial matter free fight took place between the parties in which none of the participants have received any grievous injury. Moreover, the matter has been compromised between the parties and a compromise petition has also been filed before the court of learned Judicial Magistrate. The petitioner is having clean antecedent.

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 counter version and simple nature of injuries on subsequent event and further considering the possibility of false accusation, let the petitioner above named, in the event of his 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. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Raxaul, Motihari, East Champaran in connection with Adapur P.S. Case No. 193 of 2023, 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 petitioner.
- (ii) The petitioner 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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