

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58817 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- KOTWA District- East Champaran

1. SALIMULLAH SON OF LATE ISRAIL MIYAN VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
2. RAESH AALAM @ RAISALAM SON OF MD. MAJIBULLAH VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
3. TANVIR AALAM @ MD. TANVIR SON OF ABDUL KALAM MIYAN @ ABUL KALAM VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
4. ABDUL KALAM @ ABUL KALAM SON OF ISARAYAL MIYAN @ LATE ISRAIL MIYAN VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
5. VASHIM AALAM @ WOSIM AKHTAR SON OF MAJIBULLAH @ MD. MAJIBULLAH VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
6. AALAMGIR ALAM @ MD. ALAMGIR SON OF ABDUL KALAM MIYAN @ ABUL KALAM MIYAN VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN
7. NASIM AALAM @ NASIM ALAM SON OF KALIMULLAH VILLAGE -BISHUNPUR, PS- KOTWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rahul Singh
For the State	:	Mr.Arun Kumar Singh
For the informant	:	Mr. Rajeev Ranjan
		Mr. Kundan Rathore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024
1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Kotwa Police Station Case No. 70 of 2024, dated



15.03.2024, disclosing offences punishable under Sections 323/354-A/376/511/379/504/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that the informant had gone to her field, the petitioners assaulted her, torn her clothes and tried to commit rape. When alarm was raised by the informant, the accused persons tried to flee away, but caught by the villagers. Subsequently, the petitioner nos. 1, 3, 4, 5, 6 and 7 came there with iron-rods and assaulted the uncle of the informant and other family members. The petitioner no. 4 tried to assault her by knife, but somehow she saved herself and when Sahnaz Khatoon intervened, the petitioner no. 6 assaulted her and torn her clothes with bad intention. The petitioner no. 7 dragged her and snatched her ear-ring while the petitioner no. 1 snatched golden chain and ear ring.
4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case in retaliation to the First Information Report lodged by the petitioner, bearing Kotwa Police Station Case No. 69 of 2024 against the informant and others, under



Sections 323/324/354/379/504/506/34 of the Indian Penal Code. He further submits that in fact the she goat of the informant entered into the field of the petitioners and started grazing the standing crops, which was caught by them and the goat was deposited in shelter house for animals (kanji house), for which a receipt was given by the Zila Parishad, dated 14.03.2024 (Annexure 2 series). The First Information Report lodged by the side of the petitioners is prior in time to the present First Information Report. No serious injury has been caused to the informant's side.

5. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that during course of investigation, the witnesses have supported the allegation against the petitioners levelled in the First Information Report.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is previous dispute between them, case and counter case is also there and no serious injury has been caused to he informant's side, I am inclined to grant the petitioners privilege of



anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Kotwa Police Station Case No. 70 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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