

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64085 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- PAROO District- Muzaffarpur

1. Md. Najish Alam @ Mohamad Najis @ Md. Najish, aged about 20 years, Male, Son of Md. Jammuddin @ Mohamad Jainudin, Resident of Village - Faehabad @ Fatehabad, P.S. - Paroo @ Paru, District – Muzaffarpur.
2. Gulam Rabbani @ Md. Gulam Rabbani, aged about 21 years, Male, Son of Mohanad Neshar Ahamad @ Neshar Ahmad, Resident of Village - Faehabad @ Fatehabad, P.S. - Paroo @ Paru, District – Muzaffarpur.
3. Md. Jauhar Ali @ Mohamad Jahur @ Md. Jahur, aged about 19 years, Male, Son of Mohanad Neshar Ahamad @ Neshar Ahmad, Resident of Village - Faehabad @ Fatehabad, P.S. - Paroo @ Paru, District – Muzaffarpur.
4. Md. Raju @ Mohamad Raju, aged about 28 years, Male, Son of Mohamad Shahid @ Md. Shahid, Resident of Village - Faehabad @ Fatehabad, P.S. - Paroo @ Paru, District – Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Yugal Kishore, Advocate
For the Opposite Party : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Paroo (Paru) P.S. Case No. 104 of 2024 dated 18.04.2024 registered for the offences punishable under Sections 341, 342, 323, 376, 511, 504, 509,506, 34 and 354B of



the I.P.C.

3. As per the prosecution case, the petitioners and the co-accused persons alongwith three unknown miscreants entered the house of the informant and the co-accused Md. Jafar and Abdul Samad caught hold of the informant and when her daughter switched on the light of the mobile, co-accused, Abdul Samad snatched the phone of the informant's daughter and assaulted her. When the informant's son and electrician, Md. Sabbir came there, they were also assaulted by them. In the meantime, the co-accused persons, Md. Jafar Ansari, Md. Jahir Hussain and Abdul Samad tried to commit rape on the informant and when she tried to cry, the co-accused Md. Jafar Ali pointed weapons on her neck and made obscene video of the informant and threatened her to make the video viral.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the alleged occurrence took place on 06.03.2024 and the F.I.R. has been lodged on 19.04.2024 after a delay of 44 days for which no explanation has been given by the prosecution. There is general and omnibus allegation against the petitioners. There is previous dispute with respect to parliamentary election between the



parties. There is no specific allegation against the petitioners rather the same is against other co-accused persons. The petitioners are unlawful members of the mob. There is no injury report of the injured on the record and they denied to be medically examined by the doctor. The other co-accused person Md. Jahir @ Mohammad Jahir has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 51093 of 2024 under order dated 07.08.2024. The petitioner nos. 1, 3 and 4 have clean antecedent and the petitioner no. 2 has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court No. 2, J.M. Ist Class, West, Muzaffarpur, in connection with Paroo (Paru) P.S. Case No. 104 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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