

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.281 of 2024

Arising Out of PS. Case No.-120 Year-2022 Thana- RUDRAPUR District- Madhubani

1. Abdul Jabbar son Late ABDUL SATTAR Resident of village-Harna, ps-Rudrapur, District- Mdhubani
2. Asmat @ Asmat Jamal w/o- Late Md. Jahir Resident of village-Harna, ps-Rudrapur, District- Mdhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-02-2024 Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to the petitioner no. 1

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1.

5. So far as regarding the petitioner no. 2 apprehending his arrest in connection with Rudrapur P.S. Case



No. 120 of 2022, dated 13.07.2022, registered for the offences punishable under Sections 341, 323, 324, 325, 354(B), 506, 34 of the Indian Penal Code and under section 8 of the POCSO Act.

6. As per the prosecution case, the allegation against the petitioner no.2 is that he along with the other co-accused persons namely Md. Taukir, Md. Tahshin kidnapped the daughter of the informant who is psychically disabled. They assaulted her. When the informant's mother and wife came to rescue, then the co-accused persons and the petitioner no. 2 assaulted them with lathi and broke the teeth of the informant's wife. When people started gathering, the co-accused Faizulla tore the blouse of the informant's wife and Bhabhi.

7. Learned counsel for the petitioner no. 2 has submitted that the petitioner no. 2 has falsely been implicated in this case. The petitioner no.2 has five criminal antecedents as stated in Para 3 of the bail petition in which he is on bail. He further submits that there is case and counter case between both the parties. There is no specific allegation against the petitioner no. 2 rather there is general and omnibus allegation.

8. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner no. 2.

9. Considering the aforesaid facts and circumstances



of the case and the nature of allegation levelled against the petitioner no.2, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Rudrapur P.S. Case No. 120 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. This application stands allowed.

(Chandra Prakash Singh, J)

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