

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18059 of 2025**

Arising Out of PS. Case No.-260 Year-2023 Thana- GORIAKOTHI District- Siwan

1. Nesar Ahmad @ Nesar @ Mohammad Nesar S/o- Late Raj Mohammad Resident of Village - Mustafabad Tole, Jafarpura, P.S. - Goreakothi, District - Siwan
2. Nasim Alam @ Md. Nasim Alam S/o- Late Raj Mohammad Resident of Village - Mustafabad Tole, Jafarpura, P.S. - Goreakothi, District - Siwan
3. Shamim Alam @ Md. Shamim Ansari S/o- Late Raj Mohammad Resident of Village - Mustafabad Tole, Jafarpura, P.S. - Goreakothi, District - Siwan
4. Ali Akbar S/o- Late Jeyarat Miyan Resident of Village - Mustafabad Tole, Jafarpura, P.S. - Goreakothi, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabra Khatoon W/o- Manjur Alam Resident of Village - Mustafabad Tole, Jafarpura, P.S. - Goreakothi, District - Siwan

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate  
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P.  
Mr. Raghav Prasad and Urmila Kumari, Advocates

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      10-04-2025                      Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 341, 323, 452, 354(B),376,511,379,120B,504,506/34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was alone at her house, petitioners no.1 and 2 came and started doing obscene act with her and touched her private parts. Petitioners no.3 and 5 entered the house and started assaulting her with fists. Petitioner no.1 snatched gold chain and cash Rs.25,000/- from the informant.

4. It is submitted on behalf of the petitioners that



there is land dispute between the parties. Complaint Case has been lodged after inordinate delay of seven days without any explanation which renders the entire prosecution case doubtful.

5. Learned counsel for the State as well as the informant oppose the prayer for bail. The victim in her 164 Cr.P.C. statement has supported the prosecution case.

6. Considering the aforesaid facts of the case, prayer for bail of petitioners no.1 and 2 is refused.

7. In view of the facts of case, let petitioners no.3 and 4, mentioned above, in the event of arrest/surrender within eight weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1<sup>st</sup> class, Siwan in Goreakothi Police Station Case No. 260/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

Shashi

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(Prabhat Kumar Singh, J)

