
(2021) 02 JH CK 0187
In the Jharkhand High Court
Case No : A.B.A. No. 99 Of 2021

Ibrar Khan @ Mohammad Guddu And Ors	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 23-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 02 JH CK 0187

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : D.K. Chakraverty, Saket Kumar, Y.N. Mishra

Final Decision : Allowed

Judgement

The petitioners apprehend their arrest in connection with Marafari P.S. Case No. 56 of 2020.

It has been alleged that one Hafiz Izhar had outraged the modesty of the niece of the informant. It has further been alleged that the petitioners and the

other accused persons had come variously armed and had committed assault upon the niece of the informant. The petitioners are also said to have

broken the household articles and had taken away an amount of Rs.20,000/- as well as her gold chain. Further allegation has been levelled that Hafiz

Izhar had assaulted the informant on his head with a sword leading him to suffering several injuries.

Submission has been advanced by the learned counsel for the petitioners that so far as the petitioners are concerned, the allegations are general and

omnibus in nature. It has been submitted that it is Hafiz Izhar, who is the main accused, who has initiated the outraging of modesty of the niece of the

informant as well as committing assault on her head with a sword.

Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners and has stated that apart from outraging the modesty

of the niece of the informant, the petitioners are also responsible for taking away Rs.20,000/- in cash and a gold chain from the informant. It has been

stated that all the accused persons acted in concert and therefore it cannot be said that it was only Hafiz Izhar who was the main perpetrator of the

offence. Learned counsel has also referred to the counter affidavit filed by him by specifically relying on the photographs of the niece of the informant

while stating that she had suffered grievous injuries on account of the act of the accused persons including the petitioners.

The F.I.R. has been perused and it appears that the main allegation has been levelled against Hafiz Izhar and it is he who had initiated outraging the

modesty of the niece of the informant and had subsequently committed assault on her head with a sword. So far as the present petitioners are

concerned, they had come at the place of occurrence at a later stage and the allegations of taking away cash and jewellery seem to be in order to

make the offence more graver against the petitioners.

Regard being had to the generality of allegations levelled against the petitioners and the fact that the main allegation of assault is attributed to Hafiz

Izhar, I am inclined to extend the privilege of anticipatory bail to the petitioners.

The petitioners, named above, are accordingly directed to surrender in the court below within a period of four weeks from today and on their

surrender/arrest, they will be enlarged on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount

each to the satisfaction of learned Sub Divisional Judicial Magistrate, at Bokaro in connection with Marafari P.S. Case No. 56 of 2020, subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.