

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39587 of 2015

Arising Out of PS.Case No. -313 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

1. Shahira Khatoon Wife of Abdul Latif,
2. Ziarul Hussain, Son of Abdul Latif,
3. Akhatarul Hussain, Son of Abdul Latif, Resident of Village -Kamar Muni (Chhah Garia), P.S. -Kishanganj, District -Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

Allegation against the petitioners is of assaulting informant and his father due to land dispute. One Abdul Latif had caused head injury to father of informant, who died on the way while returning after treatment from Hospital at Siliguri.

It has been submitted on behalf of the petitioners that they have no criminal antecedent. From perusal of F.I.R. it would appear that no specific allegation has been made against petitioners. Specific allegation is against one Abdul Latif. From perusal of the post mortem examination report it would appear that there is single injury on the body of the deceased. It is further submitted that petitioner no. 1 is a lady.

On behalf of the State, it is submitted that the petitioners

are named in the F.I.R. The case is under Section 302 of the Indian Penal Code. They had actively participated in the occurrence and there is allegation of assault against them.

Considering the aforesaid facts and circumstances and that petitioner no. 1 is a lady, let the above named petitioner no. 1, in the event of arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case no. 313 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioners no. 2 and 3 are concerned, I am not inclined to grant anticipatory bail to them, same is rejected.

Any how if petitioners no. 2 and 3 surrender in the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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