

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43717 of 2014

Arising Out of PS.Case No. -54 Year- 2014 Thana -RAUTARA District- KATIHAR

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1. Md. Asgar @ Asgar Ali Son of Late Kailu @ Alauddin
2. Rajiya Khatoon Wife of Md. Asgar Both Resident of Village- Kumhara,
P.S.- Rautra, District- Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-04-2015 Heard learned counsel for the petitioners, the
informant and the State.

Petitioners apprehend their arrest in connection with
Rautara P.S. case no. 54 of 2014 instituted for the offence
punishable under Sections 341,323,452, 380,504 and 506 of the
Indian Penal Code and Section 25(1-b)a , 26/35 of the Arms Act.

The petitioners are husband and wife.

The allegation is that on the date of occurrence they
constituted an assembly, intruded into the house and ruthlessly
assaulted the informant, his wife and mother. Fire arm was
brought and aimed at the informant. He, however, managed to stop
the petitioner no.1 from firing.

Allegation against the petitioner no.2 is that she on the direction of her husband brought pistol. There are allegation of assault on all the three wives who had accompanied the petitioner no.1.

Learned counsel for the informant has drawn attention of the Court to paragraph no. 3 of the application wherefrom it appears that petitioner no.1 has criminal antecedent. He is accused in more than six cases.

Regard being had to the above, this Court is not inclined to privilege the petitioner no.1, namely, Md. Asgar @ Asgar Ali with anticipatory bail. Prayer is rejected.

In so far as the petitioner no.2, namely, Rajiya Khatoon is concerned, taking into account the nature of allegation which is general and the fact that she is a lady, this Court is persuaded to privilege her with anticipatory bail. Let the petitioner no.2, namely, Rajiya Khatoon in the event of her arrest/surrender within four weeks from today before the Court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Ist Class, Katihar, District Katihar in connection with Rautara P.S. case no. 54 of 2014, subject to the conditions as laid down under Section 438(2) of the

Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates trial Court shall have liberty to cancel the bail bond and secure her arrest in accordance with law.

(Kishore Kumar Mandal, J)

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