

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48342 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -KADWA District- KATIHAR

1. Soleha Khatoon @ Saleha Khatoon Wife of Imajuddin @ Patta, Resident of Village - Ashiani, P.S. - Kadwa, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50435 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -KADWA District- KATIHAR

1. MD. IMAJUDDIN @ PATT A @ MD. IMAJUDDIN PATT A son of Late Abdul Jabbar, resident of village- Ashiani, P.S.- Kadwa, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48342 of 2015)

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

(In Cr.Misc. No.50435 of 2015)

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. M.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 02-12-2015 Above noted both the applications have arisen out of one occurrence i.e. Kadwa P.S. Case No. 79 of 2015 registered for the offences punishable under Sections 341, 326 (a), 207 and 457/34 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.



Allegedly, when the informant was sleeping with his wife in the night, the petitioners came there and after removing mosquito net the petitioner Md. Imajuddin poured acid on the body of the informant and also on the body of his wife Bano khatoon which caused burn injury to the informant and his wife and due to alarm being raised the petitioners and other accused persons fled away.

Submission is of false implication and that due to land dispute the petitioners have been named. The petitioner Soleha Khatoon is a lady and against her there is no allegation for committing any overt act and she is suffering in custody since 16.07.2015 whereas the petitioner Imajuddin is suffering in custody since 21.07.2015. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail of petitioner Imajuddin by submitting that he poured acid causing burn injury resulting right eye of the informant has been damaged.

In the facts and circumstances stated above, the petitioner Soleha Khatoon @ Saleha Khatoon is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each and the petitioner Md. Imajuddin @ Patta @ Md. Imajuddin Patta is

directed to be released on bail after completing nine months in custody from the date of his remand on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each both to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 79 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--