

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2252 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

- =====
1. Sarwari Khatoon W/o Imteyaj Khan
 2. Md. Yunus alias Golden alias Yunus Khan son of Late Wahab Khan
 3. Homa Khatoon wife of Md, Yunus alias Golden alias Yunus Khan
 4. Gudiya alias Parween Bano
 5. Bulbul, both minor daughters of Imteyaj Khan under the guardian of her father and well wisher All resident of Village/Mohalla- Zakki Bigha, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rahamtun Nisa wife of Istyak Khan, resident of Village- Zakki Bigha, P.S.- Dehri, District- Rohtas.

.... Opposite Party/s

=====

With

Criminal Miscellaneous No.13850 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

=====

Imteyaj Khan son of Late Wahab Khan resident of Village/Mohalla- Zakki Bigha, P.S.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rahinatun Nisha Wife of Isteaque Khan, Resident of Mohalla- Zakkibigha, P.S.- Dehri, District- Rohtas.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.2252 of 2016)

For the Petitioner/s : Mr. Md. Khurshid Alam

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

(In Cr.Misc. No.13850 of 2016)

For the Petitioner/s : Mr. Md. Khurshid Alam

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 16-05-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the husband's brothers, brothers' wives and niece are apprehending their arrest in a case registered for the offences punishable under Sections 323, 324, 325, 307, 341 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture and making assault. It is specifically alleged that petitioner Imteyaz Khan assaulted with lathi to the informant causing injury on the eye when the other petitioners Sarwari Khatoon and Homa Khatoon tried to strangle the informant.

It is submitted by learned counsel for the petitioners that for settling the share dispute the informant has filed the present case where the husband has not been made accused. Prior to the present case the informant filed Dehri P.S. Case No. 539 of 2014 levelling accusation under Sections 498A, 323, 504/34 of the Indian Penal Code against the petitioners and others and in the said case also the husband was not made accused which justify the contention that in the background of share dispute at the behest of the husband the informant used to lodge frivolous cases. The petitioners are on bail in the earlier case. It is further submitted that the injury report reflects Haematoma and abrasion on the right eye of marginal size and bruise on the upper side of the chest. The injuries have been



found to be simple in nature. Though, the occurrence is of 17.10.2015 at 6.00 P.M. but the doctor examined the informant on 17.10.2015 at 5.45 P.M. which suggests the nature of injury sustained by the informant and required medical attention. It is further submitted that there is specific accusation against petitioners Sarwari Khatoon and Homa Khatoon that they tried to strangle the informant by pressing the neck but no injury has been found in the neck. For the occurrence of 16.10.2015 at 6.00 P.M. the FIR was registered on 17.10.2015 at 12.45 P.M.

It is submitted by learned counsel for the informant that there is specific accusation against the petitioners to have made assault and since the husband of the informant resides outside the State, hence, the accused persons used to torture her.

Considering the inconsistencies between the accusation and the medical opinion when the minor girls have also been made accused, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III,

Sasaram, Rohtas in connection with Mahila P.S. Rohtas Case
No. 60 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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