

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52410 of 2015

Arising out of PS.Case No. -281 Year- 2015 Thana -ARARIA District- ARRARIA

Md. Helal, S/o Late Guddan, Village - Diyari, P.S. Araria, District – Araria.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party : Mr. Ashok Kr.Singh (App)

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

4 19-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 281 of 2015 for the offences instituted under Sections 341, 323, 324, 379, 354(B) and 504/34 of the IPC.

The prosecution story, in brief, is that on 12.06.2015 at 2.00 P.M., the informant was sitting in her *Angan* with her mother and other family members, the son of Md. Helal, namely, Astullah started quarrel with her brother and she went close to them with view to pacify the quarrel, in the meantime, the other co-accused persons Md. Helal, Bibi Nursadi and Asma armed with *Farsa* and *Gareil* came there and started to abuse upon which she raised objection, Md. Helal caught hold of her hair and pull down on the

earth while she was pregnant of eight months. On her cry, her mother came to rescue, accused Nursadi gave *Gairel* tore *Sari* and nighty of her mother and accused Nursadi kicked with feet over her body with an intention to abort pregnancy. Accused Asma snatched ear ring, Nakmunni of gold worth Rs. 57,000/- and Rukhsana Khatoon snatched golden chain of her mother worth of Rs. 15,000/- Md. Helal inflicted *Farsa* blow over her head due to which she received cut injury over her head and she become unconscious. It is further alleged that the informant and her mother were brought to the hospital for treatment and where her statement got recorded by the police.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The alleged occurrence is said to have taken place due to scuffle which had taken place between the children of the two families. Hence, the petitioner has falsely been implicated in the present case. From perusal of the injury report, it appears that the injuries are simple in nature. The petitioner and the informant are the agnates. There is admitted land dispute between the parties.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the

petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Araria P.S. Case No. 281/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)