

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3886 of 2016

Arising Out of PS.Case No. -263 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Abdul Mazid @ Chauka Mian son of Late Hakik Mian
 2. Alamgir @ Md. Alamgir Mian son of late Hakik Mian
 3. Sakil Ahmad son of Raj Mohammad Mian
 4. Tabasum Ara wife of Sakil Ahmad All are residents of village- Bhitahan Mithiya, Police Station- Bairiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,354,308 and 504/34 of the Indian Penal Code.

The prosecution case is that on 3.0.2015 at 2 P.M. the petitioner no. 1 Abdul Mazid and petitioner no. 3 Sakil Ahmad entered into the house of the informant, confined, closed the door and tore her clothes and petitioner no. 1 pushed the informant on the ground. When the sister in law (Gotni) of the informant came to rescue then she was being assaulted by petitioner no. 2 Alamgir and petitioner no. 4 Tabasum Ara. It is alleged that petitioner no. 3

Sakil Ahmad dragged the informant when the sister in law of the informant namely Kaitun Nissa came to rescue then he caused injury to her with Dabila.

It is submitted by the learned counsel for the petitioners that at earlier point of time petitioners side lodged a case against the son of the informant and others and as a retaliatory measure the present case has been lodged. The injury of the informant has been found to be simple though opinion with regard to one injury of the daughter in law of the informant has been kept reserved. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation and the case lodged by the petitioners side at earlier point of time, let the above named petitioner nos. 1,2 and 4 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 263 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no. 3 above named is concerned, let

the learned court below consider his prayer for regular bail keeping in view the fact that he has no criminal antecedent, in case the petitioner no. 3 surrenders within six weeks from today in connection with Bairiya P.S. Case No. 263 of 2015 pending in the court of learned C.J.M., West Champaran, Bettiah.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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