

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36239 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Abdul Hai @ Sheikh Abdul Hai Son of Shekh late Adul Raut @ Sheikh Abdul Rauf
 2. Mustakima Khatoon wife of Abdul Hai
Both residents of Village - Sekhi Chakia, P.S. - Chakia, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 31-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the parents of the husband of the informant are apprehending arrest in a case registered for the offences punishable under sections 498A, 341, 323, 504, 506, 379, 307 and 34 of the Indian Penal Code.

Basic accusation is of torture. It is specifically alleged that while the informant was returning home after getting medically treated, the husband Sheikh Ayaz assaulted her with knife causing injury on the neck when petitioner no.2 Mustakima Khatoon put cloth in her mouth whereas petitioner no.1 Abdul Hai assaulted her with fists. It is further alleged that

co-accused Imran and Naulakh pressed the neck of the informant and dragged her on earth by catching hair. It is also alleged that petitioner no.2 snatched her bag containing cash of rupees five thousand and other documents.

It is submitted by learned counsel for the petitioners that that specific accusation of causing injury with knife is against the husband of the informant and the accusation against petitioners is omnibus and general. Petitioners are aged persons about 75 years. Earlier, also two cases were lodged against the petitioners with similar accusation being Chakia P.S. Case No.343/2012 and Complaint Case No.1797/2008 whereas the petitioners have been convicted in Complaint Case No.1797/2008, but were released on probation. Learned counsel for the petitioners further submits that the informant has entered into compromise with the petitioners.

Keeping in view of the fact that the thrust of accusation is against the husband of the informant, it is a case for consideration of prayer for bail.

Let the learned Court below consider the prayer for bail of the petitioners and preferably disposed of on the same day, if the petitioners surrender within a period of four weeks in connection with Chakia P.S. Case No.106/2016,

pending before the learned ACJM-13, East Champaran at Motihari.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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