

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35087 of 2016

Arising Out of PS.Case No. -79 Year- 2013 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Shazia Parveen @ Sajiya Khatoon Daughter of Md. Sahjad Ahmad @ Sk. Shahzad
2. Jahda Khatoon widow of Late Mangurul Haque @ Sk. Manzoor Both residents of Village- Hasan[pur, P.S.- Kundwa Chainpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.-75

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with Kundwa Chainpur P.S.Case No. 79/2013 registered for offences punishable under Sections 341, 323, 504, 506, 379, 307 of the Indian Penal Code and 3/4 of the Dian Prevention Act.

The prosecution case as lodged on the basis of written report of the informant to the S.H.O., Kundwa Chainpur P.S. is that on 30.07.2013 while she was going to her Gowas for making meal and reached near the house of Sk. Sahjad and Sk. Munna, accused Sarwari Begum addressed her as dayan and on protest, the



petitioners caught her hair and pushed her on the ground. Other accused persons came there and accused Sahzad assaulted her on her head by Garasa as a result of which the informant became senseless. The other co-accused Sarwari Begum snatched gold chain from neck of the informant, Sk. Munna assaulted the informant with sword due to that the informant sustained injury in her hands.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits allegations against the petitioners are general and omnibus. He also submits that the petitioner No. 1 Shazia Parveen @ Sajiya Khatoon is a minor as is evident from Admit card of Bihar School Examination Board, Patna wherein her date of birth has been noted as 12.02.1997. He also submits that the petitioner No. 1 has no criminal history and petitioner No. 2 has been made accused by the Gottia of the informant and she is at present on bail in that case.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioners have not been alleged to have caused any injuries on the informant side, let the

above named petitioners, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of Sri Manoj Kumar, learned Judicial Magistrate, 1st class in connection with Kundwa Chainpur P.S. Case No. 79/2013, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It is also directed that the learned Judicial Magistrate Ist class, Sikrahana at Dhaka, East Champaran would look into the Admit Card of Bihar School Examination Board of the petitioner No. 1 Shazia Parveen @ Sajiya Khatoon and if she is found to be a minor, she be sent to the Juvenile Board for needful.

(Nilu Agrawal, J)

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