

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44801 of 2016

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

- =====
1. Saida Khatoon, Daughter of Sk. Munna and Wife of Mobin Alam.
 2. Ruksana Khatoon @ Roksana Khatoon, Wife of Sk. Munna.
 3. Sk. Imtiyaz Son of Sk. Mainul Haque.
 4. Sk. Mainul Haque @ Sk. Mainul, Son of Late Mubarak Hussain.
 5. Sk. Munna, Son of late Mubarak Hussain.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 08-12-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners are named in the first information report but submission on behalf of the petitioners is that after investigation, police submitted charge sheet for the bailable offences and petitioners were released on police bail but learned court below took cognizance for the offences punishable under Section 307 and other minor sections of the Indian Penal Code and, therefore, petitioners apprehend their arrest in connection with Kundwachainpur P.S. Case No. 79 of 2013.

The impugned order goes to show that learned court



below refused to extend the privilege of anticipatory bail to petitioners on the ground that petition under Section 438 of the Cr.P.C. is not maintainable as petitioners had already taken into custody by the police.

The accusation against petitioners no. 1 to 4 is general in nature and so far as petitioner no. 5 is concerned, it is alleged that he assaulted the informant by means of sword causing injury on her palm.

Submission on behalf of the petitioners is that the informant was medically examined on 30.07.2013 and three injuries were found on her person but all the aforesaid injuries were found simple in nature. However, the police got prepared a forged injury report and in the said injury report, the injuries of informant were shown as grievous in nature. It is submitted that petitioners made complain before the higher officials in respect of manufacturing of forged injury report and thereafter, a proceeding against concerned investigating officer was initiated.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of with direction to petitioners to surrender before the court below within six weeks from the date of receipt/production of copy of this order and if they do so and seek



regular bail, the learned court below shall pass appropriate order on the regular bail application of the petitioners keeping in mind the principles laid down in Mahendra Prasad Singh Vs. State of Bihar reported in 2004(3) PLJR, 491 and the concerned court shall pass order on regular bail application of the petitioners on the same day without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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