

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19671 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Rafeya Khatoon
2. Safeya Khatoon
Both the daughter of Seikh Hakim
3. Sekh Hukum
4. Sekh Hakim
Both the sons of Late Abdulah
All the resident of village Sisawa, Basantpur Police station Choutarawa
District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Binod Kr. 3(App)
Sri Umesh Chandra Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 20-05-2016 Heard Sri Milind Kumar Mishra, learned counsel for

the petitioners, Sri Binod Kumar No. III, learned A.P.P. as well as

Sri Umesh Chandra Verma, learned counsel who has voluntarily

appeared on behalf of the informant.

Four petitioners apprehending their arrest in
Choutarawa P.S. Case No. 29 of 2016 lodged on 27.1.2016
registered for the offence under section 147, 148, 149, 323, 324,
307, 379, 504 of the Indian Penal Code have prayed for grant of
anticipatory bail.



Learned counsel for the petitioners submits that so far petitioner no. 1 and 2 are concerned they are lady and there is no any accusation against the petitioner no. 1 and 2. So far as petitioner no. 3 and 4 are concerned it was argued by learned counsel for the petitioners that there was free- fight in between the parties and petitioners' side in the said occurrence had received severe injuries and immediately thereafter from the petitioners' side an F.I.R. was lodged vide Choutarawa P.S. Case No. 26 of 2016. This F.I.R. was registered on 24.1.2016 itself for the offence under section 341, 323, 379, 504 / 34 of the Indian Penal Code. The said F.I.R. was lodged on the basis of complaint filed by petitioner no. 3 of the present petition. He further submits that the injuries which have been shown on the record suggest that all the injuries were simple in nature. He further submits that the present F.I.R. was lodged at least two days after the occurrence in this case. It was alleged that occurrence had taken place on 25.1.2016 whereas F.I.R. was lodged on 27.1.2016.

Learned A.P.P. as well as Sri Umesh Chandra Verma, learned counsel for the informant have vehemently opposed the prayer of anticipatory bail.

Keeping in view the fact that there was case and counter

case and injuries were found simple in nature the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the aforesaid four petitioners namely Rafeya Khatoon, Safeya Khatoon, Sekh Hukum and Sekh Hakim be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Choutarawa P.S. Case No. 29 of 2016 subject to conditions as contemplated under section 438(2) of the Cr.P.C.

(Rakesh Kumar, J)

Praful/-

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