

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25774 of 2016

Arising Out of PS. Case No. -13 Year- 2016 Thana -CHANPATIA District- WESTCHAMPARAN
(BETTIAH)

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1. Sk. Zakir, Son of Sk. Mahmud
2. Niyaz Ahmad @ Niyaz Alam, Son of Sk. Zakir
3. Naasrin Khatoon @ Nasrina Khatoon, Daughter of Sk. Zakir.
4. Yasmine Khatoon, Wife of Faiyaz Alam
5. Noor Haseena Khatoon, Wife of Sk. Zakir
All are resident of Village- Puraine Gosai, SK Toli, Police Station-
Chanpatiya, District West Champaran. Petitioners
Versus
The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 15-07-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case under Sections 342, 323, 324, 379, 354(B)/34 of the Indian Penal Code.

The informant, Mehrun Nesha, alleged that on the request of Naasrin Khatoon (petitioner no.3) she went to her house to meet her mother. As soon as she entered into the house, the accused persons began to assault her. Noor Hasina Khatoon snatched her golden chain worth Rs.27,000/- and petitioner no.1 tore her 'Kurta', on account of which she became almost naked.

The petitioners submit that the offence is of 16.01.2016 and the case has been lodged belatedly after two days i.e. on 18.01.2016. Furthermore, the instant case is a counter blast

to the earlier case lodged by the wife of petitioner no.1 on 17.01.2016, wherein she alleged that the prosecution side called her 'Daain' and was forcing to gobble dirty soil. Learned counsel submits that all the injuries on the person of the informant are simple in nature.

Having regard to the facts and circumstances of the case and that specific allegation is against petitioner no.1, in the event of arrest or surrender before the court below within four weeks from today, petitioner nos. 2 to 5, namely, Niyaz Ahmad @ Niyaz Alam, Naasrin Khatoon @ Nasrina Khatoon, Yasmine Khatoon and Noor Haseena Khatoon, be released on bail on furnishing bail bond of Rs.5000/- (Five thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran (Bettiah) in connection with Chanpatiya P.S. Case no. 13 of 2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

However, if petitioner no.1, namely, Sk. Zakir, surrenders before the court below and pray for regular bail, the same would be disposed of without being prejudiced by this order also taking into consideration that there is a case and counter case.

(Samarendra Pratap Singh, J.)

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