

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2207 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -BISFI District- MADHUBANI

- =====
1. Anjari Begum wife of Md. Asraf
 2. Md. Vakil Son of Late Md. Farukh
 3. Md. Murtuja Son of Late Md. Farukh. All resident of Durjauliya P.S. Bisfi (Patauna), District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-03-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Bisfi (Patauna) P.S. Case No. 91 of 2016/ G.R. No. 392 of 2016 for the offences punishable under sections 147, 148, 149, 341, 323, 324, 307, 325, 354 (B), 379, 504 and 506 of the I.P.C.

Allegedly, the petitioners and other co-accused after being instigated by petitioner no.1 assaulted the informant brutally and further assaulted Md. Sahanbaj, the son of the informant, Md. Sahebuddin, the nephew of the informant and further assaulted father of the informant with sword, rod and lathi. Rajeena Khatoon, the Bhabhi of the informant, was also assaulted brutally.



Gajana Praveen and petitioner no.1 have assaulted her and further Md. Asraf and Md. Mukhtar got her semi naked. Md. Shakil Sheikh was also assaulted and the motive behind the occurrence is that Md. Afjal, the brother of petitioner no.1, has entered into the house of Md. Faijan through window and for that he was assaulted and then the petitioners and others only with a view to take revenge has caused the occurrence.

Submission is of false implication and that no such occurrence has taken place, there is case and counter case, the case of petitioner no.1 is earlier bearing Bisfi (Patauna) P.S. Case No. 90 of 2016, whereas, this case is Bisfi (Patauna) P.S. Case No. 91 of 2016, no sharp cut injury has been found on the person of father of the informant and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners have attacked brutally on the informant and others and as such they do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with



the aforementioned case pending in the court of A.C.J.M.
Benipatti.

However, in case and if so advised, the petitioners
surrender and seek regular bail then their prayer for regular bail
shall be considered on its own merits, preferably on the same day,
without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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