

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41456 of 2016

Arising Out of PS.Case No. -145 Year- 2016 Thana -DHURAIYA District- BANKA

=====

1. Bibi Rahniya wife of Md. Sajjad
2. Md. Shahrukh son of Md. Sajjad All resident of Village- Babura, Naya Tola, Dhankhund, P.S.- Dhoriya, District- Banka

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party : Ms. Renuka Ratnakar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-01-2017 Heard both sides.

The petitioners apprehend their arrest in Dhoriya (Dhankund) P.S. Case No. 145 of 2016, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Md. Usman Mansuri alleged that his daughter Sabrin had gone to attend the marriage ceremony in the house of Md. Sajjad. The daughter of the informant began to play with the child of Md. Babul and some quarrel took place. The family members of Md. Babul assaulted the daughter of the informant and, in the meantime, Md. Babul came, caught hair of Sabrin and violently put her down on the ground. Md. Babul assaulted with legs on the chest and abdomen of his daughter. Bibi Rahniya and Md. Shahrukh also assaulted the daughter of the informant with an intention to kill her.

Shri Krishna Prasad Singh, learned senior counsel for the



petitioners submits that in the FIR the informant, of course, alleged that Md. Babul assaulted the deceased and also assaulted her with legs on her chest and abdomen but the informant is not an eye witness of the occurrence. The informant in his further statement disclosed that his nephew Md. Aslam informed him about the occurrence. It is further submitted that Md. Lallan and Nagma are the eye witnesses of the occurrence and they did not make any specific allegation against the petitioners.

It appears that the informant has very categorically stated in the FIR itself, that firstly Md. Babul assaulted his daughter with legs thereafter the petitioners also joined Md. Babul and assaulted the deceased. From perusal of the post-mortem report, it appears that the deceased got injuries on chest and abdomen and intestine of the deceased were badly damaged on account of assault made by Md. Babul and others.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--

