

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57136 of 2017

Arising Out of PS.Case No. -230 Year- 2017 Thana -BARHARIA District- SIWAN

- =====
1. Hazaratullah Khan, S/o Late Neza Muddin Khan.
 2. Nasrin Khatoon, W/o Hazaratullah Khan.
- Both R/o Village- Lauan, P.S.- Barharia, District- Siwan.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Nawal Kishore Prasad, Advocate.
For the State : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 06-12-2017 At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Hazaratullah Khan, has already been arrested by the police in the case and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Hazaratullah Khan.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Hazaratullah Kha, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Nasrin Khatoon, is being considered for grant of anticipatory bail.

Heard.

The petitioner no.2, namely, Nasrin Khatoon,



apprehends her arrest in connection with Barharia P.S. Case No.230 of 2017 registered under Sections 341, 323, 324, 315, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 22.07.2017 at about 09.00 P.M., when the informant Hina Khatoon was serving the food to her husband Inayatullah Khan, at that time, Hazaratullah Khan armed with knife came near the informant and started to abuse and make attempt to cause assault to her. When the informant made protest, the petitioner no.2, the wife of Hazaratullah Khan, also came there and caught hold of the informant. Thereafter, Hazaratullah Khan, the husband of the petitioner no.2, started to cause assault to the informant through fists and slaps due to which the informant lost her pregnancy. When the husband of the informant rushed to save the informant then Hazaratullah Khan started to cause assault to him. After that, Hazaratullah Khan and the petitioner no.2 called Lal Khan, Roshan Khan and Khusboo Ara Khatoon, then all the five accused having lathi, danda and hockey came and caused injury to the informant and started to press her neck due to which she became unconscious. At that time, Roshan Khan snatched the gold chain and earring of the informant.

Learned counsel for the petitioner no.2 submits that, in



fact, the petitioner no.2 has falsely been implicated in this case being the wife of Hazaratullah Khan, who is said to be caused injury to the informant and her husband. The petitioner no.2, who is lady, has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Nasrin Khatoon, in the event of her arrest or surrender by her within six weeks from today, be enlarged on bail on her furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in connection with Barharia P.S. Case No.230 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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