

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58028 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -KALYANPUR District- EAST CHAMPARAN
(MOTIHARI)

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1. Nazra Khatoon, Wife of Bhola Mian.
 2. Sarioon Nesha Wife of Dhorai Mian.
 3. Bhola Mian, son of Late Safruddin Mian,
 4. Islam Mian, son of Late Safruddin Mian,
 5. Shamshad @ Samsad, Son of Bhola Mian.
 6. Tabrej Alam, son of Bhola Mian.
 7. Asgar @ Asgar Ali, son of Dhorai Mian, All residents of Village-
Barharhwa Mahanand, P.S.- Kalyanpur, District- East Champaran.
 8. Jian Khatoon, Wife of Sheikh Manir, resident of Village- Bahlolpur,
P.S.- Kalyanpur, District- East Champaran.
 9. Amroon Khatoon, wife of Ganni Mian, resident of Village- Chargaha,
P.S.- Turkauliya, District- East Champaran.
 10. Ambeya Khatoon, Wife of Gyasuddin.
 11. Gyasuddin, Son of Late Tausur Ahmad, Both residents of Village-
Bathna, P.S.- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection
with Kalyanpur P.S.Case No. 95 of 2017 registered under Sections
147, 148, 149, 323, 380, 307, 302, 504 and 34 of the Indian Penal
Code.

It is submitted by the learned counsel for the



petitioners that though 17 accused persons named in the FIR are said to have assaulted one Bibi Hanif, the doctor, who conducted her post examination report, did not notice any external or internal injury on her body. The police on completion of investigation submitted their report showing the petitioners to be not sent up for trial, but without there being any evidence, the learned Chief Judicial Magistrate took cognizance of the offences under Sections 323, 448, 380 and 304/34 of the Indian Penal Code against all the accused persons including the petitioners.

On the other hand, learned counsel appearing for the informant submitted that the investigation was not honest and, therefore, the petitioners were let off by the police. He contended that even the doctor did not conduct the post mortem examination in a scientific manner otherwise he would have noticed that the deceased had sustained certain internal injuries.

Having regard to the nature of allegation and the submissions made on behalf of the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 9th Additional Chief Judicial Magistrate, East Champaran at Motihari



in connection with Kalyanpur P.S.Case No. 95 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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