

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19759 of 2018

Arising Out of PS. Case No.-170 Year-2017 Thana- BAKHTIARPUR District- Saharsa

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1. Shamima Parveen @ Shamima Khatoon
 2. Aisha Parween alias Guddiya
 3. Iftekhar Khan alias Md. Iftekhar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018

Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,379,504 and 308 of the IPC.

The prosecution case got initiated with the Fardbeyan of one Ehtesamul Hassan recorded by the ASI of Saharsa Sadar Police Station on 18.3.2017 at 6.30 A.M., to the effect that on 17.3.2017 at 5.00 P.M. the informant was sowing legumes seedlings in his field, in the meantime, 22 accused persons including the petitioners came variously armed and started abusing the informant, whereupon co accused Md. Rizwi assaulted with iron rod on the back and waist of the informant, causing grievous injury. Thereafter, co-accused Md. Hesam



Khan and Sajid Khan and others caught hold of the son of the informant, namely, Hasim Khan and started assaulting him and they also tried to strangle the son of the informant, as a result of which he fell unconscious. Co accused Istekhan Khan snatched gold chain from the neck of the informant's son and co accused Pyare Khan took out Five Thousand Rupees from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the specific accusation is not against these petitioners. The accusation of assault is specific against co-accused Md. Rizwi, Md. Hesam and Mr. Sajid Khan and the accusation has been levelled in the background of petty dispute. Statement has been made in paragraph 3 of the petition that the petitioner nos. 1 and 2 are not having any criminal antecedent. Though the petitioner no. 3 is accused in other cases but he is on bail in those cases. It is further submitted that for the occurrence of 18.3.2017 the FIR has been registered on 30.5.2017.

Considering the fact that specific accusation of assault is not levelled against these petitioners and though petitioner no. 3 is accused in other cases but it is submitted that he is on bail in those cases, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12



weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Simari Bakhtiyarpur P.S. Case No.170 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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