

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16836 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -BIRAUL District- DARBHANGA

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1. Abdul Ghani son of Md. Reza
 2. Hasina Khatoon wife of Md. Reza
 3. Mariyam Khatoon wife of Late Md. Ramjani
 4. Md. Reza @ Rozai son of Deen Mohammad All residents of Village :
Kamarkala, P.S. Biraul, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 05-04-2018 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 Biraul P.S. Case No. 138 of 2017 for the offences punishable under sections 341, 323, 379, 354, 308, 504 and 34 of the I.P.C.

Allegedly, the informant asked the petitioners to remove straw and dung from the land of the informant to start construction then they started altercating, Rozai pushed her down after holding her hair and Yunus assaulted the informant with iron rod indiscriminately on her head and also removed her cloths



making her naked and when the daughter-in-law of the informant came to save her then Abdul Gani assaulted her. Further, it is alleged that Rozai snatched silver locket from her neck.

Submission is of false implication and that the case has been lodged due to enmity, no case under section 308 and 354 of the I.P.C. is made out, the offence under section 379 of the I.P.C. is ornamental in nature, the petitioner Mariyam Khatoon has filed Biraul P.S. Case No. 101 of 2017 against the prosecution party, as a matter of fact there is land dispute in between the parties, the allegation of assault with iron rod is not against the petitioners, all the injuries have been found simple in nature caused by the hard and blunt substance on the person of the informant and Momina Khatoon has not been treated anywhere as she has not received any injury and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that there is specific allegation against co-accused Yunus.

In the facts and circumstances stated above, the petitioners, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount



each to the satisfaction of A.C.J.M, Biraul, District- Darbhanga in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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