

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66554 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -BALRAMPUR District- KATIHAR

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1. Asif Raja @ Asif Reja, Son of Md. Hassim,
 2. Md. Hassim, Son of Late Kamrul Hoda,
 3. Bibi Asama Khatoon, Wife of Md. Hassim,
 4. Bibi Suhagi Khatoon @ Bibi Suhagi @ Suhagi Khatoon, D/o Md. Hassim, All resident of Village- Madhepura, P.S.- Balrampur, District- Katihar.
 5. Bibi Khatoon, Wife of Md. Siddik, Resident of Baigachhi Naya Tola, P.S.- Baysi, District- Purnea.
 6. Saharuddin @ Sahrudin, Son of Late Gheru,
 7. Md. Hasnain, Son of Saharuddin,
 8. Haseda Khatoon, Wife of Saharuddin,
 9. Sayema Khatoon, D/o Saharuddin, All resident of Village- Lohgara, P.S.- Balrampur (Telta) District- Katihar.
 10. Md. Munif @ Munif Shekh,
 11. Bibi Akli Khatoon @ Bibi Akli @ Pyari, Wife of Md. Munif, Both resident of Village- Sabanpur, P.S.- Baliya Belone, District- Katihar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimal Kumar and Maruti Kumari,
Advocates.

For the State : Mr. Shantanu Kumar, A.P.P.

For the Informant : Mr. Thakur Brajesh Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 341, 323, 307,
354(B), 452, 380, 427 and 384/34 of the IPC in which cognizance
has been taken under Sections 147, 148, 149, 323, 307, 354, 379



and 504 of the IPC.

The prosecution story, in brief, is that on the date and time of occurrence, the informant was constructing her house pillar all of a sudden, all accused persons attacked on her with deadly weapons and prevented her to construct the house. Thereafter, they assaulted her with arms and injured her. Petitioner no. 1 Asif Reza inflicted *Dabia* blow on her head on which bleeding was started and petitioner no. 2 Md. Hasim jumped on her chest. When with daughter her mother came to save her, petitioner no. 7 Md. Hasnain and petitioner no. 10 Md. Munif tried to outrage her modesty and lapsed on her and accused petitioner no. 7 Md. Hasnain torn her cloth as a result of which, she was naked. When her husband came to save her wife and daughter, accused assaulted him and by entering in his house damaged his house hold properties, took Rs. 30,000/- from the box and took signature on a plain paper and fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place in



course of occurrence. After investigation, police has submitted final form against the petitioners vide Annexure-3 to the present application but the learned court below has differed with the said final form and taken cognizance under Section 307 and other allied Sections of the IPC. There is no medical examination report on record to support the allegations made under Section 307 of the IPC.

On behalf of the State and informant, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Vlth, Katihar, in connection with Balrampur (Telta) P.S. Case No 40 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

