

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38119 of 2018

Arising Out of PS.Case No. -148 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

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1. Md. Hasnain Khan @ Hasnain Kha, Son of Late Rajak Khan @ Rajak Kha.
 2. Samsheer Khan @ Samsheer Kha, Son of Saderay Kha @ Saderay Kha.
 3. Shedray Alam Kha @ Shedray Alam Khan @ Shadre Alam Kha, Son of Late Maharaja Kha @ Maharaja Khan.
 4. Asma Khatoon, Wife of Shedray Alam Kha @ Shedray Alam Khan @ Shadre Alam Kha. All resident of Village- Govindpur Khajuri, P.S.- Kalyanpur, District- Samastipur (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 307, 323, 341, 354, 379 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Amira Khatoon submitted to the Station House Officer, Kalyanpur P.S. is to the effect that 27.09.2017 at 7.30 P.M., when the informant was sitting at her door, the accused petitioners came and started abusing the informant in filthy language. On protest being made, petitioner no. 1, Hasnain Khan



ordered to drag the informant and to disrobe her, upon which all the accused persons started assaulting the informant. Petitioner no. 1, Hasnain Khan dragged the informant by catching hold of her hair. On alarm being raised, the son of the informant came to rescue, then petitioner no. 1, Hasnain Khan assaulted with Farsa on his head causing incised bleeding injury, when the second son of the informant came to rescue his brother then petitioner no. 2, Samsher Khan assaulted with sword which caused incised bleeding injury on his face. When both the sons of the informant, on becoming unconscious, fell down on the ground the accused persons assaulted them with lathi and danda and thereafter, entered into the house of the informant and destroyed the articles of the house and they tried to outrage the modesty of the informant. Accused persons took away a box kept in the house of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The impugned order suggests that the injury has been found to be simple in nature. There is a counter version of the occurrence and petitioners' side have also received injury. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent.

Learned APP, however, submits that the petitioners are named in the FIR with specific accusation.

Considering the genesis of the occurrence, the injury being found simple and a statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 148 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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