

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52870 of 2018

Arising Out of PS.Case No. -170 Year- 2018 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sonu Mian son of Hasim Mian.
 2. Asim Mian.
 3. Noor Alam Mian. Petitioner no. 2 and 3 are sons of Budhai Mian All are resident of Village- Bharbalia, Ward No. 13, P.S. Majhauilya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party : Mr. Yogendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 354 and 379/34 of the IPC.

The prosecution story, in brief, is that Nagina Khatoon and Heena Khatoon both daughters of the informant have gone from house for *Sureh* at 5.00 A.M. Sonu Mian, Lal Babu Mian taunted and teased them. Thereupon, they came weeping at the house and narrated the same to the informant and while the informant made interrogation about the matter all the accused



persons named above came armed with Lathi, Farsa, Rod. Out of whom, Hasim Mian assaulted her from the pointed side of Lathi towards her eye. In result, she fell down, then Hasim assaulted with Farsa to Nagina on her head while she came to rescue her and Nasim assaulted Heena with rod on the head causing injury to them. She further alleged that Sonu assaulted her daughter-in-law, namely, Ajmeri Khatoon as she came to rescue. She further alleged that Hasim and Nasim snatched gold ornaments from her, Heena and Ajmeri Khatoon.

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 been made accused in the present case due to previous enmity. There is no substantive evidence to suggest the implication of the petitioners in the present case. So far petitioner nos. 2 and 3 Asim Mian and Noor Alam Mian are concerned, no allegation in respect to offence under Section 354 of the IPC is alleged against them.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. Specific allegation in respect to offence under Section 354 of the IPC is alleged against petitioner no. 1 Sonu Mian.



Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 3 Asim Mian and Noor Alam Mian, 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 C.J.M., Bettiah, West Champaran, in connection with Majhauriya P.S. Case No. 170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner no.1 Sonu Mian is concerned, his prayer for anticipatory bail is rejected in connection with Majhauriya P.S. Case No. 170 of 2018, pending in the court of learned C.J.M. Bettiah, West Champaran.

Anyhow, if the petitioner no. 1 Sonu Mian surrenders and prays for regular bail in the court below, the same shall be considered and disposed of on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)