

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9621 of 2018**

Arising Out of PS. Case No.-140 Year-2017 Thana- PALASI District- Araria

Md. Moharram @ Dom S/o Late Kutub Ali, R/o Village- Mehru Chowk  
Kankhudia Ward No.1, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. SRI BAL MUKUND PRASAD SINHA

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      19-02-2018      Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,325,354(B),379 and 504/34 of the IPC.

The prosecution case got initiated with the written report of Bibi Johra dated 11.6.2017 submitted to the SHO, Palasi Police Station is to the effect that on 5.6.2017 at 12.30 P.M. the accused persons including the petitioner abused the informant and on protest they assaulted the informant with fists and slaps. The petitioner is alleged to have assaulted with iron rod to the informant and tore her clothes. The accused persons also snatched the jewellery of the informant. When the son of the informant came to rescue, the accused persons assaulted him and took away Rupees Ten Thousand from the pocket of the



informant's husband.

It is submitted by learned counsel for the petitioner that in the background of land dispute the accusation has been levelled. The petitioner side, at earlier point of time, lodged Palasi P.S. Case No. 136 of 2017 on 11.6.2017 on 10.30 A.M. with the accusation under sections 341,323,325,354B,386,504 and 506/34 of the IPC whereas the present case was registered on 13.6.2017 at 9.15 AM for the occurrence of 5.6.2017. It is further submitted that the petitioner side have also received injury. Moreover, statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that there is no injury report either of the informant, her husband or her son on record, the impugned order also does not suggest the nature of injury caused to the informant side, the FIR was lodged with inordinate delay, the case of the petitioner side was lodged at earlier point of time coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 ACJM III,  
Araria in connection with Palasi P.S. Case No.140 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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