

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30663 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Rijwana Khatoon, W/o Haibullah Ansari
 2. Khatijan Khatoon @ Khajitan Khatoon, W/o Nabi Rasal Ansari
 3. Nabi Rasul Ansari, S/o Late Fulman Mian
- All resident of Village – Maswas, P.S. – Kangali, District – West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-05-2018

Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 324, 354, 504 and 308/34 of the Indian Penal Code.

The prosecution case as per the written report of Saibun Khatoon dated 17.02.2018 submitted to the Station House Officer, Kangali P.S. is to the effect that the informant was sitting at her door on 17.02.2018 at 1.00 P.M., in the meantime, co-accused Haibullah Ansari caught hold of the arm of the informant and tore her blouse, and rendered her partly



disrobed. On alarm being raised, the petitioners assaulted the informant with Garasi, lathi and danda when petitioner no. 3 Nabi Rasul Ansari assaulted with Garasi on the left hand of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. At earlier point of time Kangali P.S. Case No. 08 of 2018 has been lodged by the petitioners' side against the informant's family. It is further submitted that no injury has been found caused and statement to that effect has been made in paragraph 9 of the petition. However, the informant has retracted from the accusation with regard to two FIR named accused persons and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that there is specific accusation against petitioner no. 3 that he caused injury with Garasi. However, he admits that the informant has retracted from the accusation as against two accused persons and investigation has already concluded.

Considering the case lodged by the petitioners' side at earlier point of time and the fact that the investigation has



already concluded, coupled with the 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) their with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Kangali P.S. Case No. 09 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the informant will be at liberty to file application for cancellation of the bail of the petitioners, if the injury of the informant is automatically found to be grievous.

(Dinesh Kumar Singh, J)

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