

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1136 of 2019

Arising Out of PS. Case No.-386 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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1. AMINA KHATOON, Wife of Md. Akhatar, Resident of Village - Co-Operative Bazar, Srinagar, P.S.- K. Nagar, District- Purnea.
 2. Md. Shamser @ Samsher, Son of Md. Akhatar Resident of Village - Co-Operative Bazar, Srinagar, P.S.- K. Nagar, District- Purnea.
 3. Kari Khatoon @ Shahnaj Khatoon, Daughter of Md .Akhatar Resident of Village - Co- Operative Bazar, Srinagar, P.S.- K. Nagar, District- Purnea.
 4. Rukhsana Khatoon @ Rukshar Khatoon, Daughter of Md. Akhatar Resident of Village - Co- Operative Bazar, Srinagar, P.S.- K. Nagar, District- Purnea.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-03-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 15.2.2019 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnea, in A.B.P. No. 12 of 2019 filed by the appellants, by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in K. Nagar (Srinagar) P.S.Case No. 386 of 2018, registered under Sections 341, 323, 307, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR against the appellants is of assaulting wife of the informant and causing injury on her head and also to her younger son.

Submission of learned counsel for the appellants is that FIR itself shows that there was dispute between the children of the parties and as such



the occurrence took place and injuries are simple in nature and no specific allegation has been attributed against any of the appellants.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnea, in connection with K. Nagar (Srinagar) P.S. case No. 386 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 15.2.2019 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

