

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70616 of 2018

Arising Out of PS. Case No.-246 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Hasan Mian, Son of Israil Mian
 2. Rozi Mian @ Rozi Ahmed, Son of Hasan Mian
 3. Rstam Mian, Son of Hasan Mian
 4. Gazi Mian @ Gazi Hussain, Son of Hasan Mian
 5. Farid Mian, Son of Hasan Mian
 6. Nurul Hoda, Son of Md. Zaan
 7. Sabnam Khatoon, Wife of Shamim All are residence of Village- Semra Tola,
P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341, 342, 323, 325,
307, 379, 354B, 504 and 506 of the IPC.

The prosecution case, as per the written report of Mariyam
Khatoon, submitted to the Station House Officer, Motihari
Mufassil Police Station, is to the effect that on 09.05.2018 at
11.30 PM, the informant woke up on the noise of some vehicle
when she saw nine accused persons of the family of her sister-
in-law, petitioner no.7, Sabnam Khatoon came variously armed



and they assaulted the informant and her mother-in-law. It is specifically alleged that petitioner no.7, Sabnam Khatoon assaulted the mother-in-law of the informant with iron rod, causing fracture injury on her right leg. The accused persons also tore the clothes of the informant and took away jewellery and clothes.

It is submitted by learned counsel for the petitioners that petitioner no.7, Sabnam Khatoon is the sister-in-law of the informant and due to petty dispute, the accusation has been levelled. At earlier point of time, petitioner no.7 lodged a case against the informant's side. There is no injury report of the mother-in-law of the informant on record. Moreover, except petitioner no.7, the accusation against all the petitioners is omnibus and general. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accused persons assaulted the informant and her mother-in-law.

Considering the fact that for the occurrence of 09.05.2018, the FIR was lodged on 13.05.2018 and the case lodged by the petitioners' side against the informant side is at earlier point of time, coupled with the statement made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Mufassil (Motihari) P.S.Case No. 246 of 2018 in connection with learned CJM, East Champaran at Motihari subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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