

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75148 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- RAJIVNAGAR District- Patna

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1. Md. Akharoo Zama Khan @ Akharoo Zama Khan @ Akhrooz Zama Khan, Son of Late Dr. Makabul Khan @ Dr. Makhool Khan.
 2. Hojaifa Khan @ Ojak Khan @ Hojayafa Khan, Son of Akharoo Zama Khan @ Akharoo Zama Khan @ Akhrooz Zama Kha, Both are resident of Mohalla- Chandra Vihar Colony, 90 Feet Road, Police Station- Rajeev Nagar, District- Patna.
 3. Rahamtun Nisha @ Rahamantun Nisa, Wife of Akharoo Zama Khan @ Md. Akharoo Zama Khan @ Akhrooz Zama Khan. Resident of Mohalla- Chandra Vihar Colony, 90 Feet Road, Police Station- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra

For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsels for the petitioners, the informant and the State.

The petitioner no.1, being husband, petitioner no.2, son and petitioner no.3, first wife of the petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 307, 354, 427 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Jasmine submitted to SHO, Rajeev Nagar, Police Station is to the effect that on 07.07.2018, the petitioners came with some anti-social miscreants and broke the lock of the house of the informant.



It is further alleged that the accused person also assaulted the informant.

It is submitted by learned counsel for the petitioners that in the background of disturbed and uncordial domestic relationship between the petitioner no.1 and the informant, who happens to be the second wife of the petitioner no.1, the present case has been lodged against the petitioner. At earlier point of time, the informant lodged Patna Mahila P.S. Case No.46 of 2018, with accusation of the offences punishable under Sections 498(A), 506, 494, 509 and 34 of the I.P.C., wherein the petitioners have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 48367 of 2018 and thereafter, the present case has been lodged. It is further submitted that there is nothing on record to suggest that the informant received any injuries.

Learned APP for the State submits that there is specific accusations against the petitioners.

Considering the fact that the accusation has been levelled in the background of some uncordial and disturbed domestic relationship and the FIR does not suggest that the informant received any injury, 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 12 weeks from today, on



furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Addl. Chief Judicial Magistrate-III, Patna** in connection with **Rajeev Nagar P.S. Case No.238 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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