

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6820 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- CHANPATIA District- West Champaran

1. MAQBUL MIAN Son of Mojammil Mian @ Mojamil Ansari Resident of Village - Patkhauli, P.S.- Chanpatiya, District - West Champaran.
2. Khushbu Nessa @ Khusbun Nessa Daughter of Mojammil Mian @ Mojamil Ansari Resident of Village - Patkhauli, P.S.- Chanpatiya, District - West Champaran.
3. Modina Nessa @ Mobina Nessa Wife of Mahboob Ansari Resident of Village - Patkhauli, P.S.- Chanpatiya, District - West Champaran.
4. Aasma Nessa Wife of Mojammil Mian @ Mojamil Ansari Resident of Village - Patkhauli, P.S.- Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Section 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

Informant has alleged in her fardbeyan that on 16.04.2019 at about 11:30 AM while she was peeling the leaf of



Sugarcane in her field, her daughter Anjum Ara came there and told that Mojammil Mian and Khushbu Nessa have beaten her. Thereafter she went to the house of her father-in-law Garib Mian, where she was abused and assaulted by the petitioners and other co-accused by means of fists and Labeda and also co-accused Mojamil Mian gave Hasua blow on her right hand with intention to kill her, as a result of which she fell down on the ground and became unconscious. Thereafter accused persons snatched her ornaments also.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case due to family dispute and previous enmity. There is no specific allegation against petitioners. It has been further submitted that occurrence took place on 16.04.2019 but FIR was lodged on 22.05.2019 after delay of about one month without any explanation. There is no any external injury found on the body of informant. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/-



(Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No. 153 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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