

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6324 of 2020**

Arising Out of PS. Case No.-399 Year-2019 Thana- PUPRI District- Sitamarhi

1. ASHRAF ALI @ PAPPU Son of Md. Athaur Rahman Resident of Village-Jhajhihat, P.S.-Pupri, District-Sitamarhi.
2. Firoja Khatoon @ Ginni Wife of Ashraf Ali @ Pappu Resident of Village-Jhajhihat, P.S.-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr. Shiw Kumar Prabhakar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 19-08-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that the petitioner no.1 namely Ashraf Ali @ Pappu has already been arrested, therefore this application on his behalf has become infructuous and is not pressed. The application survives only on behalf of Firoja Khatoon (petitioner no.2).

Learned counsel for the petitioners has thus pressed this application on behalf of petitioner no.2 who is seeking anticipatory bail in connection with Pupri P.S. Case No.399 of 2019 registered for the offences under Section 341, 323,447, 376/511, 325 and 506/34 of the Indian Penal Code.



Learned counsel for the petitioner submits that petitioner no.2 happens to be own gotani of the informant and out of family dispute the present FIR has been lodged falsely implicating the petitioner no.2 and her husband (petitioner no.1). Petitioner no.1 has, however, been arrested.

It is submitted that all the Sections of the Indian Penal Code in which the present FIR has been lodged except one under Section 376/511 IPC, are bailable. So far as Section 376/511 is concerned, the same would not be applicable against petitioner no.2 and there is no allegation that she had in any manner participated in the alleged occurrence. The allegation is only that she had also come with her husband lashed with Lathi and Danda and has assaulted the informant on her left leg.

Learned counsel for the informant submits that the learned court below has passed order under Section 82 Cr.P.C. against the petitioner, however, at this stage nothing has been brought to the notice of this Court to show that the petitioner no.2 has been declared as proclaimed offender. Learned counsel for the informant accepts that so far as allegation under Section 376/511 is concerned, the same is not attracted against petitioner no.2.

Learned APP for the State has also opposed the prayer



for anticipatory bail of the petitioner no.2.

Having regard to the facts and circumstances of the case, the nature of the allegations made which are general allegations of assault against petitioner nos.1 and 2 and the submission that Section 376/511 IPC would not be applicable against petitioner no.2, let the petitioner no.2 above named in the event of her arrest or surrender within a period of six weeks from today in connection with Pupri P.S. Case No.399 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

