

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7765 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- MAJHAULIA District- West Champaran

1. JAKIR MIAN S/o Hadish Mian Resident of Village- Barhai Tola, P.S.- Majhauria, Distt- West Champaran
2. Ajjur Rahman S/o Jakir Mian Resident of Village- Barhai Tola, P.S.- Majhauria, Distt- West Champaran
3. Atikul Rahman @ Atrikur Rahman @ Atizul Rahman S/o Jakir Mian Resident of Village- Barhai Tola, P.S.- Majhauria, Distt- West Champaran
4. Kuisha Rahman @ Abdur Rahman S/o Jakir Mian Resident of Village- Barhai Tola, P.S.- Majhauria, Distt- West Champaran
5. Nazma Khatoon @ Nashma Khatoon W/o Jakir Mian Resident of Village- Barhai Tola, P.S.- Majhauria, Distt- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

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

This is an application for grant of anticipatory bail in connection with Majhauria PS case no. 301 of 2019 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 315, 447, 504/34 of Indian Penal Code.



The case of the prosecution in brief is that on 02.06.2019 at about 19.00 hrs. in the evening, some people of the Madarsa had thrown away the belongings of one Mojahir Mian from the room of the Madarsa, whereupon the accused Jakir Mian i.e. the petitioner no. 1 herein had entered the house of the informant namely Modima Khatoon and had assaulted her. The petitioners are alleged to have assaulted the said Modima Khatoon with *farsa* on her head resulting in her receiving grievous injuries, whereafter the other accused persons had also assaulted the members of the prosecution party.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a bare perusal of the injury report would show that one lacerated wound has been found on the forehead above the right eye-brow of the said Modima Khatoon apart from pain and swelling on the right elbow and forearm. It is thus submitted that the allegation levelled against the petitioners of hitting the said Modima Khatoon on her forehead by *farsa* is not corroborated with the injury report, thus it is apparent that a false and fabricated story has been cooked up by the informant.



The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also taking into account the fact that the injury report of the injured Modima Khatoon (informant) does not corroborate with the allegation of assault made on her by the petitioners herein, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhaulia PS case no. 301 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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