

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15616 of 2020

Arising Out of PS. Case No.-111 Year-2019 Thana- SAHARGHAT District- Madhubani

1. SAHIDA KHATOON @ SAHIRA KHATOON Wife of Md. Fool Hussain Resident of Village-Saharghat, P.S.-Saharghat, District-Madhubani.
2. Md. Fool Hussain @ Fool Hussain Son of Late Md. Paltoo Resident of Village-Saharghat, P.S.-Saharghat, District-Madhubani.
3. Md. Ajaj @ Ajaj Son of Md. Fool Hussain Resident of Village-Saharghat, P.S.-Saharghat, District-Madhubani.
4. Md. Irshad @ Irshad Son of Md. Fool Hussain Resident of Village-Saharghat, P.S.-Saharghat, District-Madhubani.
5. Wajifa Khatoon Wife of Md. Anul Resident of Village-Saharghat, P.S.-Saharghat, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav
For the State	:	Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 324, 354, 452, 380, 504 and and 506/34 of the Indian Penal Code.



Allegedly, in the backdrop of trivial issue, dispute arose and in consequence thereof, the accused persons started abusing the informant and on protest, they having armed with weapons came and started assaulting the informant. It is further alleged that when the son and daughter-in-law of the informant came to rescue the informant, they were also assaulted. It is also alleged that Rs. 10,000/- was snatched away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Prior to institution of the present case, a case was instituted by the accused side against the informant and his family members. The present case is nothing but the same in the form of retaliation of the aforesaid case, instituted by the accused side. The occurrence is said to be of 07-10-2019 and the case was instituted on 09-10-2019. The delay in instituting the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 111 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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