

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28971 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

1. ASLAM MIAN Son of Kalamat Mian @ Kalamat Pavariya Resident of Village- Gheghata, P.S.- Ara (Muffasil), District- Bhojpur.
2. Shamim @ Natur Son of Kalamat Mian @ Kalamat Pavariya Resident of Village- Gheghata, P.S.- Ara (Muffasil), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Ara (Mufassil) Police Station Case No. 129 of 2019, disclosing offences under Sections 341/323/354/504/308/324/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioners entered into the house of the informant and pressurized her to withdraw the case and when she denied, they assaulted the informant by means of farsha, the brother of the informant by means of knife and they also



assaulted the mother of the informant.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and both the parties are co-sharers. He further submits that earlier, the informant of this case had lodged Mahila Police Station Case No. 63 of 2017, under Section 376 of the Indian Penal Code, in which the accused persons have been acquitted, vide judgment and order, dated 17.01.2020, passed in Sessions Trial No. 236 of 2018. He further submits that no injury report has been prepared up-till-now in the present case and from perusal of the impugned order, it appears that injuries caused to the informant and others have not been brought on record by the prosecution as yet.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that both parties are co-sharers and no injury report has been brought on record by the prosecution, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Ara (Mufassil) Police Station Case No. 129 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

