

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69349 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- SONBERSA District- Saharsa

1. Md. Usman Son of Late Amirbakas @ Bauka Resident of Village-Haripur, P.S-Sonbarsha Raj, District-Saharsa.
2. Rafika Khatun @ Rafika Khatoon Wife of Md. Usman @ Atwari Resident of Village-Haripur, P.S-Sonbarsha Raj, District-Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-01-2020 Heard learned Counsel for the petitioners and the informant as well as the learned APP for the State.

The petitioners, who are in custody, seek bail in a case registered under Sections 302 and 34 of the Indian Penal Code in connection with Sonbarsa Raj PS Case No. 15 of 2019, S.T. No. 95 of 2019, Reg. No. CRI Case No. 234 of 2019.

The allegation is that on account of a dispute for pathway son of the informant had been brutally assaulted by all the named accused persons.

It is submitted by petitioners' Counsel that there is general and omnibus allegation against all the accused persons. Against petitioner No. 1, at best there is only allegation of catching hold of the informant's son Afroz who has suffered on account of the assault. In respect of petitioner No. 2, it is submitted that there is no allegation and only general omnibus allegation is made against her.

Learned Counsel for the informant and learned APP for the State have opposed the prayer for bail. It is pointed out that specific allegation of assault by means of Dabia on head to the



deceased Afroz has also been attributed to petitioner No. 1. The fact that petitioner No. 1 has at least other six cases pending against him since before is also relevant consideration for the purpose of grant of bail.

Considering the aforesaid submissions, this Court is not inclined to allow prayer for bail on behalf of petitioner No. 1. His prayer for bail is rejected.

In so far as prayer for bail on behalf of petitioner No. 2, the same is allowed.

Let petitioner No. 2 namely Rafika Khatun @ Rafika Khatoon, above named, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, IIIrd, Saharsa in Sonbarsa Raj PS Case No. 15 of 2019, S.T. No. 95 of 2019, Reg. No. CRI Case No. 234 of 2019 subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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