

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85193 of 2019

Arising Out of PS. Case No.-395 Year-2019 Thana- MAJHAULIA District- West Champaran

1. SABANA NESHA @ SABANA KHATOON Wife of Rahman Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
2. Jarina Nesha @ Jarina Khatoon Wife of Ajmer Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
3. Bhikhari Mian Son of Late Gulan Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
4. Kaimul Nesha Wife of Ash Mohammad Mian @ Guletin Mian @ Gulteni Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
5. Rahman Mian Son of Ash Mohammad Mian @ Guletin Mian @ Gulteni Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
6. Ajmer Mian Son of Ash Mohammad Mian @ Guletin Mian @ Gulteni Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
7. Ash Mohmmad Mian @ Ash Mohammad @ Guletin Mian @ Gulteni Mian Son of Late Gulan Main Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.
8. Sultan Mian @ Sultan Alam Son of Ash Mohammad Mian @ Guletin Mian @ Gulteni Mian Resident of Village - Gora Semara, P.S.- Majhauria, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2020 Heard learned Counsel for the petitioners, informant and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354, 379 and 34 of the Indian Penal Code.



The prosecution case got initiated on the basis of written report of Saidun Nisha submitted before the Station House Officer, Majhulia Police Station is to the effect that on 21.07.2019 at 3.00 P.M., the son of the informant and a boy of the same village started quarreling during play, though the informant tried to pacify the issue, but on seeing the same, petitioner No.7, Ash Mohammad Mian started abusing the informant. Subsequently, all the petitioners came at the door of the informant, abused and made assault to the two daughters of the informant. It is further alleged that the accused persons also took away cash amount of Rupees Fifty Thousand kept in a box and an ear rings from the informant.

It is submitted by learned counsel for the petitioners that in the background of a quarrel between two children, the accusation has been made against the petitioners. Moreover, for the alleged occurrence of 21.07.2019, the FIR has been registered on 23.07.2019 which reached to the Court of learned CJM on 30.07.2019 suggesting antedating of the FIR. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that all the petitioners abused the informant and made assault to her two



daughters.

Considering the genesis of the occurrence, i.e., quarrel between the children of both sides and accusation being omnibus and general, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Majhaulia P.S. Case No.395 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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