

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15505 of 2021

Arising Out of PS. Case No.-227 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

1. MD. FAKIR Son of Late Md. Basir (In F.I.R. name of Late Md. Basir Written wrongly as Md. Late Basir) Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.
2. Md. Pappu @ Md. Wasif Akhtar Son of Md. Fakir Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.
3. Md. Hajrat Son of Md. Fakir Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.
4. Gendri Khatoon Wife of Md. Fakir Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.
5. Gulshan Khatoon Wife of Md. Pappu @ Md. Wasif Akhtar Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.
6. Md. Alam @ Md. Parwej Son of Md. Sohid Resident of Village - Pirpaiti, P.S. - Pirpaiti, District - Bhagalpur.
7. Ruksar Khatoon @ Ruksar Parween Son of Md. Adalat Resident of Village - Makhdampur, P.S. - Muffasil, District - Katihar.

... .. Petitioners.

Versus

The state of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bimal Kumar, Advocate.
For the State	:	Mr. Tarun Prasad Mandal, A.P.P.
For the Informant	:	Mr. Raghvendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 22.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners,



through Video Conferencing, submits that the petitioner no.1, namely, Md. Fakir, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Md. Fakir, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Md. Fakir.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Md. Fakir, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.2 to 7, above named, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.2 to 7, above named, and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner nos.2 to 7, above named, apprehend their arrest in connection with Muffasil P.S. Case No.227 of 2020 registered under Sections 448, 341, 307, 323 and 379/34 of the Indian Penal Code.

The accusation is that in the evening of 06.10.2020, due to draining out of water of rainy season, hot exchange of



words had taken place between the informant Tetri Khatoon and her neighbours, due to that reason, 7 persons, named in the F.I.R., including the petitioner nos.2 to 7 armed with lathi, danda and rod entered into the house of the informant and caused assault to the informant, due to which the informant sustained injury on her forehead and other parts of the body. At that time, Nasreen Khatoon, the daughter-in-law, Md. Tufan and Md. Saddam, the sons, of the informant also sustained injury. At that time, they took cash Rs.10000/- from the house of the informant and nose pin of Nasreen Khatoon. On gathering of the neighbours, all fled away from there. Thereafter, all the injured were taken to Sadar Hospital, Katihar, for treatment.

Learned counsel for the petitioner nos.2 to 7, above named, submits that, due to draining of the water of rainy season, the occurrence of “Maar-Peet” took place between the parties, in which the side of the aforesaid petitioners also sustained injury regarding which on the basis of the fardbeyan of Md. Fakir, Muffasil P.S. Case No.226 of 2020 was also instituted against the prosecution party. Furthermore, the injuries, as found on the persons of Md. Tufan and Md. Saddam, the sons of the informant, are simple in nature, whereas out of 7 injuries, as found on the person of the informant, except two



injuries, which are on her both forearm and are said to be fractured and grievous in nature, other injuries are simple in nature.

On the other hand, learned counsel for the informant opposed the prayer of the petitioner nos.2 to 7 above named, but conceded that due to draining out of the water of rainy season, the occurrence of “Maar-Peet” took place between the parties and two injuries of the informant are grievous in nature.

Having considered the facts and the circumstances of the case, let the petitioner nos.2 to 7, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Amit Gaurav, Judicial Magistrate, First Class, Katihar, in connection with Muffasil P.S. Case No.227 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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