

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18535 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- VIJAYEPUR District- Gopalganj

1. Saimul Khatoon, W/O Rafik Ansari @ Bhola Ansari, Resident Of Village Marar Khas, Police Station Vijaypur, District-Gopalganj.
2. Saida Khatoon, W/O Rafik Ansari @ Bhola Ansari, Resident Of Village Marar Khas, Police Station Vijaypur, District-Gopalganj.
3. Guriya Khatoon, D/O Rafik Ansari @ Bhola Ansari, Resident Of Village Marar Khas, Police Station Vijaypur, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Yogendra Kumar, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Vijaypur P.S. Case No. 175 of 2020 registered for the offence punishable under Sections 302 and 109/34 of the Indian Penal Code.

As per the prosecution story, while the informant on 16.11.2020 at 10 O'clock in the morning was on his field in which

wheat crop was planted over which accused Guddan @ Afzal Ansari came with his tractor and crossed over the crops and on asking about the damaging the crops he abused and threatened to take away the tractor on his land again. It is alleged that the informant along with his grandfather and sister present on the filed in the meantime the accused came on his tractor and crossed over his land and destroyed the crops and on objection he started abusing on which his mother Saimul Khatoon, Saida Khatoon and Guriya Khatoon (petitioners) came there and started abusing and also gave order to run over the tractor upon the grandfather of the informant. Thereafter, accused Guddan @ Afzal Ansari started the tractor and ran over his grandfather, on seeing the same the informant and his sister started fleeing away and raised hulla on which villagers came and accused started fleeing away with his tractor in that course Ragini Kumari and one Solaha Sahni had sustained injury and Solaha Sahni subsequently died.

Learned counsel for the petitioners submits that on the instigation of these petitioners, the co-accused Guddan @ Afzal Ansari had committed the overt act by his tractor which was ran over the grandfather of the informant and thereafter Guddan @ Afjal Ansari was running away with the tractor he ran over the another person namely Solaha Sahni working in the filed as a result whereof both of them died.

Mr. Yogendra Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the nature of dispute in which it is alleged that on the instigation of these petitioners, the co-accused Guddan @ Afzal Ansari had committed the overt act by his tractor crushing the grandfather of the informant and thereafter while Guddan @ Afjal Ansari was running away with the tractor he ran over the another person namely Solaha Sahni working in the field as a result whereof both of them died, submission being that these petitioners are ladies members of the family and they have been falsely implicated in this case by alleging that they had instigated the main accused to run over the tractor, the petitioner no. 2 is said to be suffering from neuro problem and it is stated that she was referred to Sadar Hospital, Gopalganj during her period of custody where she had been admitted for treatment for two days, the petitioners have remained in custody in connection with this case since 19.11.2020, they have otherwise no criminal antecedent, investigation against them is complete, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Vijaypur P.S. Case No.

175 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.