

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23638 of 2021

Arising Out of PS Case No.-9 Year-2020 Thana- PRATAPGANJ District- Supaul

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Hasna Bano @ Husna Bano, aged about 49 years, Female Wife of Peer Mohammad Ansari, Resident of Village - Bhawanipur Uttar, Duaniya, PS-Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the State : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-06-2021

The matter has been heard *via* video conferencing.

2. The case has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Pratapganj PS Case No. 09 of 2020 dated 23.01.2020, instituted under Sections 341, 447, 323, 324, 325, 379, 354A, 504 and 506/34 of the Indian Penal Code.



5. The allegation against the petitioner is that their other family members had assaulted the informant and her family members and upon call they had also come and participated in the assault.

6. Learned counsel for the petitioner submitted that she is lady and her name has been included only because of the rivalry between the two families who are neighbours and there is dispute of land between them. It was submitted that the entire family members, including four womenfolk have been named and against her there is only general and omnibus allegation that she also participated in the attack. It was submitted that besides having no criminal antecedent, it is not believable that she would also assault the informant side when already the male members are said to have committed the act of assault against the informant and her family members. Learned counsel submitted that co-accused, Eid Mohammad Ansari, has also filed a counter case, being Pratapganj PS Case No. 10 of 2020 under Sections 341, 323, 324, 447, 379, 354(A), 504, 506/34 of the Indian Penal Code with regard to the same incident. It was submitted that similarly situated co-accused Jarina Khatoon @ Rubina Khatoon; Najma Praween @ Nagma Parween and Jainab Praween have been granted anticipatory bail by order dated 08.06.2021 passed in Cr. Misc. No. 5434 of 2021.



7. Learned APP submitted that the petitioner is also said to have participated in the attack. However, he did not controvert that there is only general and omnibus allegation against the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Birpur at Supaul in Pratapganj PS Case No. 09 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to



the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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