

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31091 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. Afsar Hasmi, aged about 20 years, Male, Son of Munna Hasmi, Resident of Village- Hasanpura, P.S.- M. H. Nagar, District- Siwan.
2. Arif Hasmi, aged about 18 years, Male, Son of Munna Hasmi, Resident of Village- Hasanpura, P.S.- M. H. Nagar, District- Siwan.
3. Munna Hasmi, aged about 55 years, Son of Jan Mohammad, Resident of Village- Hasanpura, P.S.- M. H. Nagar, District- Siwan.
4. Noorjahan Begam, aged about 50 years, Female, Wife of Jan Mohammad, Resident of Village- Hasanpura, P.S.- M. H. Nagar, District- Siwan.
5. Neha Praveen, aged about 23 years, Female, Daughter of Munna Hasmi, Resident of Village- Hasanpura, P.S.- M. H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2021 The anticipatory bail petition on behalf of petitioners no.1 and 2 has already been dismissed as withdrawn as petitioners no.1 and 2 have already been arrested.

Heard both sides.

The petitioners, Munna Hasmi, Noorjahan Begam and Neha Praveen apprehend their arrest in Hussainganj P.S. Case No.79 of 2020, registered under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that while she was taking out straw, Afsar Hasmi and Arif Hasmi started throwing Chipari (made of cow dung). When the informant objected, both assaulted the informant with fists, slaps and stick. When her



husband, Islam Mian and sons, Faiyaz Hasan and Manjoor Hasmi came, Munna Hasmi, his wife, Noorjahan Begam and Neha Praveen, daughter of Munna Hasmi came and began to assault her husband and sons. Munna Hasmi, petitioner no.3 assaulted the husband of the informant on his head.

Learned counsel for the petitioners submits that there is mutual assault on each other and a counter case is also filed. It is further submitted that from perusal of the injuries (Annexure-2 series), it would appear that the informant got two injuries, which are bruise and simple in nature. Similarly, Faiyaz Hasmi also got simple injuries, but Islam Mian, the husband of the informant got one lacerated wound on his forehead in mid-line and another injury abrasion. The injury on head is opined to be grievous in nature on account of fracture of frontal bone. The injuries were caused by hard and blunt object, but Islam Mian disclosed that he was assaulted by Munna Hasmi with sword.

The learned Additional P.P. however, opposed the prayer for anticipatory bail.

Perused the records. It appears that there is specific allegation against Munna Hasmi that he assaulted the husband of the informant with lathi. The husband of the informant got one injury on head which is opined to be grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge Munna Hasmi, petitioner no.3 on anticipatory bail. Accordingly, the prayer for anticipatory bail of Munna Hasmi, petitioner no.3 is rejected.

So far as the case of Noorjahan Begam and Neha Praveen, petitioners no.4 and 5 respectively is concerned, they are ladies and omnibus and general allegation of assault is made against them. The injuries found on the persons of the informant



and her sons are simple in nature.

Taking into consideration the facts aforesaid, petitioners no.4 and 5, namely, Noorjahan Begam and Neha Praveen, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Hussainganj P.S. Case No.79 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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