

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37145 of 2020
Arising Out of PS. Case No.-263 Year-2019 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

- =====
1. Baby Khatoon, aged about 18 years, Female, Daughter of Late Mojeem.
 2. Farida Khatoon, aged about 60 years, Female, wife of Late Mojeem.
- Both resident of Village –Hussain Chowk, P.S.-Simri Bakhtiyarpur, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Uday Chand Prasad, learned counsel for the petitioners and Mr. Arvind Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Simri Bakhtiyarpur PS Case No. 263 of 2019 dated 05.07.2019, instituted under Sections 147/149/302 of the Indian Penal Code.

4. The allegation against the petitioners and other family members is of assault on the informant, his daughter and brother, who later succumbed to his injuries.



5. Learned counsel for the petitioners submitted that the petitioners are ladies and the allegation is that they had also assaulted by *lathi* and *danda* along with the male family members and thus it is obvious that they have been implicated only to involve the whole family. It was submitted that when the male members were already in a fight, there was no occasion for the petitioners to intervene, especially since the petitioner no. 1 is aged 18 years and petitioner no. 2 is a widow of 60 years. Learned counsel submitted that the petitioners have no other criminal antecedent.

6. Learned APP submitted that the petitioners have also assaulted and there has been death of one person. However, it was not disputed that against the petitioners the allegation of assault is general and omnibus.

7. 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 petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Simri Bakthiyarpur PS Case No. 263 of 2019, 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 petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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