

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36962 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- MORKAHI District- Khagaria

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1. BUDHANI @ MAHMOODA KHATOON Daughter of Md. Afaque Aalam Resident of Village- Rasaunk, P.S.- Morkahi, District- Khagaria.
 2. Sahida Khatoon Wife of Md. Afaque Aalam Resident of Village- Rasaunk, P.S.- Morkahi, District- Khagaria.
 3. Md. Afaque Aalam Son of Md. Abdul Subham Resident of Village- Rasaunk, P.S.- Morkahi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Ms. Sanita Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-04-2021 Heard Mr. Praveen Kumar Agrawal, learned

counsel for the petitioners and Ms. Sangita Sharma, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Morkahi P.S. Case No. 44 of 2020

instituted for the offences under Sections 147, 341, 323,

307 and 504 of the Indian Penal Code and Section 27 of the

Arms Act.

It appears from the prosecution report that with



respect to a passage of land, an occurrence took place in which all the accused persons including the petitioners participated. One of the accused persons of this case opened fire which led to the injury on the person of the informant.

However, regard being had to the gender of petitioner nos. 1 and 2 and general and omnibus allegation against them, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Morkahi P.S. Case No. 44 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The prayer for anticipatory bail of the petitioner no. 3 / Md. Afaque Alam is rejected.

However, if the petitioner no. 3 surrenders before the court below and prays for bail, the court below shall



consider the fact that he is not the author of the injury on the informant and is a senior person and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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