

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3332 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- RANIGANJ District- Araria

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1. Bibi Khushbu, age- 45 years (female), W/o Md. Samim @ Karu.
 2. Md Samim @ Karu, age-51 years, male, S/o Md. Muslim.
 3. Shagufta, age- 20 years, female, D/o Md. Samim @ Karu.
 4. Tamanna, age- 18 years, female, D/o Md. Samim @ Karu.
 5. Md. Muslim, age 70 years male, S/o Late Md. Sagir.
- All resident of Village- Rupaili, Ward No. 4, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-06-2021

The matter has been heard *via* video conferencing.

2. The matter has been heard out of turn on the basis of motion slip being filed by learned counsel for the petitioners on 10.06.2021, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Raniganj PS Case No. 267 of 2020 dated 29.05.2020, instituted under Sections 341, 323, 307, 379, 354-B, 504, 506/34 of the



Indian Penal Code.

5. The allegation against the petitioners is of having assaulted the informant and her son due to dispute relating to putting clothes for drying in the courtyard of the informant.

6. Learned counsel for the petitioners submitted that they are next door neighbours and they have been falsely implicated, as on 22.05.2020, the goat of the petitioners had entered into the house of the informant, which was objected leading to the informant side assaulting the petitioners for which the petitioner no. 1 has lodged Raniganj PS Case No. 246 of 2020, under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code, which was instituted on 24.05.2020, on the basis of the petitioner no. 1 having given her statement on 23.05.2020. It was submitted that the present case is a counter blast and the incident is said to have occurred on 15.05.2020, but the FIR has been instituted only on 29.05.2020, and there is very weak explanation that when the husband came home, he had taken the informant and her son for treatment and then the FIR was lodged. It was submitted that upon coming to know of the case lodged by the petitioner no. 1, the present case has been instituted by the informant side to save their skin as there is no reasonable or believable explanation for the delay,



and more so, no injury report has been produced by the informant, either at the time of lodging of the FIR or even during investigation by the police and the same has also not been noticed or indicated by the Court below in the order dated 03.09.2020 passed by the 3rd Additional District & Sessions Judge, Araria, in ABP No. 621 of 2020 while rejecting the prayer for anticipatory bail of the petitioners. Learned counsel submitted that the petitioners have no criminal antecedent.

7. Learned APP submitted that the allegation against the petitioners is of assault on the informant and her son. However, he could not controvert that no injury report has been indicated or attached and that the FIR has been filed after two weeks.

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 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, Araria, in Raniganj PS Case No. 267 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 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 the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking and failure to cooperate shall lead to cancellation of their bail bonds.

9. 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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