

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39699 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- TERHAGACHH District- Kishanganj

1. AMINUDDIN @ AMINOUDDIN son of Late Qurban Ali Resident of Vill.- Dahibhat, P.S.- Tedhagachhi, Distt.- Kishanganj.
2. Kanna @ Akhter Bassi son of Aminuddin @ Aminouddin Resident of Vill.- Dahibhat, P.S.- Tedhagachhi, Distt.- Kishanganj.
3. Aksara Khatoon W/o Aminuddin @ Aminouddin Resident of Vill.- Dahibhat, P.S.- Tedhagachhi, Distt.- Kishanganj.
4. Kannai @ Ajnabi S/o- Aminuddin @ Aminouddin Resident of Vill.- Dahibhat, P.S.- Tedhagachhi, Distt.- Kishanganj.
5. Sanam @ Bibi Sanam D/o Aminuddin @ Aminouddin Resident of Vill.- Dahibhat, P.S.- Tedhagachhi, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nasrul Hoda, Advocate
		Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-12-2021 Heard Mr. Nasrul Hoda, learned Advocate for the petitioners and Mr. Vinod Shanker Modi, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Tedhagacchi P.S. Case No. 128 of 2019 dated 02.09.2019 instituted for the offences under Sections 147, 148, 341, 323, 324, 325, 326, 307, 302 and 120(B) of the Indian Penal Code.

The husband of the informant is alleged to have beaten to death. Except for petitioners no. 3 and 5, all



other petitioners are alleged to have either assaulted the deceased or took part in the affray. So far as petitioner no. 5 is concerned, she along with petitioner no. 4 is said to have assaulted one of the sons of the informant.

Mr. Hoda, learned counsel for the petitioners has submitted that petitioner no. 3 (Aksara Khatoon) is 55 years of age, whereas petitioner no. 5 (Sanam @ Bibi Sanam) is only an 18 years old unmarried girl. There is no injury report of the son of the informant in the copy of the case diary which has been dispatched to this Court. There is no reference of the nature of injuries suffered by the son of the informant which has been attributed to petitioner no. 5.

Considering the nature of accusation against the petitioners no. 1, 2 and 4, I am not inclined to grant anticipatory bail to them.

Accordingly, their prayer for anticipatory bail is rejected.

However, if they surrender before the court below and seek bail, their application shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

In view of no specific accusation against the petitioners no. 3 and 5 (Aksara Khatoon and Sanam @



Bibi Sanam respectively) and they being the ladies and the petitioner no. 5 being an unmarried girl of 18 years, 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 their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, III, Kishanganj in connection with Tedhagacchi P.S. Case No. 128 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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