

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39565 of 2020

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1. Md. Manzoor @ Manzoor Ahamad, Male, aged about 21 years, son of Mirsultan
2. Shahana Khatoon, aged about 22 years, (Female), daughter of Manzoor Ahmed
3. Najo Khatoon, aged about 24 years, (Female), daughter of Manzoor Ahmed
4. Shabana Khatoon, aged about 32 years, (Female) daughter of Manzoor Ahmed
5. Amiran Khatoon, aged about 64 years, (Female), wife of Manzoor Ahmed

All are resident of village-Kazi Chak, P.S. Shahebganj,
District-Muzaffarpur

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Neeraj Sanidh , Advocate

For the State :- Ms. Gulnar Begam, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2. **02.06.2021** The present petition has been taken up for
consideration through the mode of Video conferencing in view of

the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Ms. Gulnar Begam, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Shahebganj P.S. Case No. 239 of 2020 for the offence registered under Sections 341, 342, 447, 323, 307, 379, 427/34 of the Indian Penal Code.

The allegation is regarding altercation having taken place on account of the goats grazing the crops resulting in the crops being damaged, whereafter the accused persons are stated to have assaulted the informant, his wife and his daughter.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case as also the petitioners no. 2 to 5 are having clean antecedents. The learned counsel for the petitioners has further submitted that as far as the petitioners no. 2 to 4 are concerned, they have not been alleged to have engaged in any sort of overt act. It is also submitted that the

petitioner no. 5 is stated to have assaulted the daughter of the informant on her head by Khurpi (Scabbard) resulting in her receiving simple injuries on the head as is substantiated by her injury report and as far as the petitioner no. 1 is concerned, he is stated to have assaulted the wife of the informant on her eyes, however, no injury has been found by the doctor upon the eye of the wife of the informant, as is born out from the injury report. It is further submitted that any grievous injury, if sustained by the members of the prosecution party, might have been caused by the co-accused person namely Riyayze Ahamed, however, as far as the petitioners are concerned, they are not having any complicity in the matter. Lastly, it is submitted that a general and omnibus allegation has been leveled against the petitioners.

Per contra, the learned A.P.P. for the State Ms. Gulnar Begam has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the petitioners no. 2 to

4 have not been alleged to have engaged in any sort of overt act and as far as the petitioners no. 1 and 5 are concerned, the injury caused on account of their overt act has been found to be simple/non-existent in nature, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st (West) at Muzaffarpur in connection with Shahebganj P.S. Case No. 239 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-