

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.827 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- BALRAMPUR District- Katihar

1. DILDAR HUSSAIN Son of Fajlur Rahman Resident of Village - Bagdogra, P.S.- Balrampur, Distt.- Katihar.
2. Tohida Khatoon W/o Fajlur Rahman Resident of Village - Bagdogra, P.S.- Balrampur, Distt.- Katihar.
3. Dilshad Son of Fajlur Rahman Resident of Village - Bagdogra, P.S.- Balrampur, Distt.- Katihar.
4. Nikhat @ Nikhat Roji W/o Dilshad Resident of Village - Bagdogra, P.S.- Balrampur, Distt.- Katihar.
5. Ruksana Khatoon D/o Fajlur Rahman Resident of Village - Bagdogra, P.S.- Balrampur, Distt.- Katihar.
6. Farjana Khatoon W/o Akhtar Resident of Village - Bajargaon, P.S.- Balrampur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jibendra Mishra
For the Opposite Party/s : Mr.Md. M. Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 323, 354(B), 379, 504, 506 and
34 of the Indian Penal Code.



The prosecution allegation, in short, is that the accused persons assaulted the informant and her husband and also misbehaved with the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner nos. 2, 4, 5 and 6 are ladies. The investigating officer has found the case false under section 379 IPC and submitted charge-sheet for offence under Sections 313 and 354(B) I.P.C. There is no medical evidence in support of the allegation under section 313 I.P.C. Due to petty dispute, the alleged occurrence is said to have taken place. Both the parties are neighbours.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Balrampur P.S. Case No.



36/2020 (G.R. No. 1089/2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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