

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4103 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. RAHANA KHATOON @ REHANA KHATOON Wife of Md. Illiyas Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
2. FARHAT BANO Wife of Md. Asfaq Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
3. AMNA KHATOON Wife of Md. Zaheer Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
4. KAUSHAR ARA @ BIBI KAUSHAR Wife of Md. Mustan Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
5. MD ILIYAS Son of Md. Ahmad Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
6. MD ASLAM @ MD ASLAM ANSARI Son of Md. Iliyas Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
7. MD DULARA Son of Md. Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.
8. MD. LADLA Son of Md. Asfaq @ Sona Resident of Village - Babhani, Police Station - Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 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 after restoration of normalcy.

The petitioners are apprehending their arrest in a



case registered under Sections 323, 324, 341, 147, 148, 149, 354, 504, 506 and 302 of the Indian Penal Code.

Prosecution allegation, in short, is that on trivial issue, a scuffle took place between the parties in which the accused persons, variously armed, assaulted the informant and when her family members came in rescue, the accused persons assaulted the husband of the informant due to which he succumbed to the injury.

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. As per the allegations made in the F.I.R., coaccused Zaheer and Ashfaq assaulted the deceased. No allegation of assault is alleged against the petitioner. Petitioner nos. 1 to 4 are ladies. Subsequently, the informant has filed a petition in the Court below where she has retracted from her earlier statement made in the F.I.R. The said application made by the informant is Annexure-3 to the present application.

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 Judicial Magistrate, ,1st Class, Madhepura in connection with Gamharia P.S. Case No. 103 of 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) each 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)

Pankaj/-

U		T	
---	--	---	--

