

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5434 of 2021

Arising Out of PS Case No.-9 Year-2020 Thana- PRATAPGANJ District- Supaul

1. Jarina Khatoon @ Rubina Khatoon, aged about 22 years, Female, Daughter of Eid Mohammad Ansari.
2. Najma Praween @ Nagma Parween, aged about 28 years, Wife of Md. Salauddin Ansari.
3. Jainab Praween, aged about 22 years, Female, Wife of Md. Alauddin Ansari @ Md. Alauddin.
All are resident of Village - Bhawanipur Uttar, Duaniya, PS- Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-06-2021

The matter has been heard *via* video conferencing.

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

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

4. The petitioners apprehend arrest in connection with Pratapganj PS Case No. 09 of 2020 dated 23.01.2020, instituted under Sections 341, 447, 323, 324, 325, 379, 354A, 504 and 506/34 of the Indian Penal Code.



5. The allegation against the petitioners is that their other family members had assaulted the informant and her family members and upon call they had also come and they had also participated in the assault.

6. Learned counsel for the petitioners submitted that they are ladies and their name has been included only because of the rivalry between the two families who are neighbours and there is dispute of land between them. It was submitted that the entire family members, including four womenfolk have been named and against them there is only general and omnibus allegation that they also participated in the attack. It was submitted that besides having no criminal antecedent, it is not believable that they would also assault the informant side when already the male members are said to have committed the act of assault against the informant and her family members. Learned counsel submitted that father of petitioner no. 1 has also filed a counter case, being Pratapganj PS Case No. 10 of 2020 under Sections 341, 323, 324, 447, 379, 354(A), 504, 506/34 of the Indian Penal Code with regard to the same incident.

7. Learned APP submitted that the petitioners are also said to have participated in the attack. However, he did not



controvert that there is only general and omnibus allegation against the petitioners.

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 SDJM, Birpur at Supaul in Pratapganj PS Case No. 09 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 co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate 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.)

P. Kumar

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