

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5889 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- MANIYARI District- Muzaffarpur

1. MD. JAVED Son of Md. Halim Resident of Village- Chainpur Wajid, P.S.- Maniyari, District- Muzaffarpur.
2. Md. Babul Son of Md. Halim Resident of Village- Chainpur Wajid, P.S.- Maniyari, District- Muzaffarpur.
3. Afsana Khatoon Wife of Md. Halim Resident of Village- Chainpur Wajid, P.S.- Maniyari, District- Muzaffarpur.
4. Nikhat Khatoon @ Kiran Daughter of Md. Sayim @ Md. Shamim Resident of Village- Chainpur Wajid, P.S.- Maniyari, District- Muzaffarpur.
5. Nargis Khatoon @ Nargis Daughter of Md. Halim Resident of Village- Chainpur Wajid, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s :	Ms. Renu Kumari, APP
	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-11-2021 Heard Mr. Hari Kishore Thakur, learned

Advocate for the petitioners and Mr. Nafisuzzoha for the

informant. The State is represented by Ms. Renu

Kumari, learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Maniyari P.S. Case No. 199 of

2020 dated 04.08.2020 instituted for the offences under

Sections 147, 148, 149, 341, 323, 324, 307, 379, 448,



504 and 506 of the Indian Penal Code.

The accusation against the petitioners no. 1 and 2 is of assaulting the son of the informant and informant respectively, both of whom have received grievous injuries. The petitioner no. 4 is also said to have assaulted the another son of the informant, who too has received grievous injury. There is no specific accusation against the petitioners no. 3 and 5.

There is a counter version of the occurrence also which has been lodged by the father of the petitioner no. 1.

Learned counsel for the petitioners has further informed this Court that persons from the side of the petitioners also have received injuries, about which there is no explanation in the subject FIR. Thus, it has been submitted that the accusation in the FIR is highly exaggerated. Some occurrence may have been committed between the two families who stayed next doors but the accusations have been exaggerated in



order to attract serious offences under the IPC. The motive for falsely implicating the petitioner was so strong that even a married woman viz. petitioner no. 4 has been accused of giving a dagger blow on the head of the son of the informant.

Considering the nature of accusation against the petitioners no. 1 and 2 (Md. Javed and Md. Babul respectively), I am not inclined to grant anticipatory bail to them.

Accordingly the prayer for anticipatory bail of petitioners no. 1 and 2 is rejected.

If the petitioners no. 1 and 2 surrender before the court below and seek bail, their applications shall be considered on its own merits without being prejudiced by the fact that the present application on their behalf has not been entertained.

Regard being had to the general nature of accusation against the petitioners no. 3 and 5 and the gender of petitioner no. 4 as well as the fact that she



has been falsely implicated in this case with the accusation of causing grievous injury, the petitioners no. 3, 4 and 5 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 Judicial Magistrate, 1st Class, Muzaffarpur in connection with Maniyari P.S. Case No. 199 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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