

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2080 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- FORBESGANJ District- Araria

1. MD. SHER MOHMMAD @ SER MD. Son of Late Hefaz Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
2. Bibi Sabana Khatoon @ Sabana W/o Sher Mohammad Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
3. Laddu @ Sakib Son of Sher Mohammad Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
4. Tanvir Son of Sher Mohammad Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
5. Md. Anwarul @ Ansarul Son of Salauddin Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
6. Insar Son of Salauddin Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.
7. Sinwar Son of Salauddin Resident of Village - Madarganj, Ward No. 11, P.s.- Simraha, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered



for the offence punishable under Sections 341, 323, 354, 313, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, the F.I.R. named accused persons assaulted the pregnant daughter of the informant over a pity dispute, due to which she suffered miscarriage.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a land dispute between the parties. The occurrence took place on 03.09.2021 while the F.I.R. was lodged on 10.09.2021, i.e. after a delay of seven days without giving any plausible explanation. This creates doubt about the prosecution case. There is no grievous injury on the person of the informant's daughter. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioners, be released on bail, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Forbesganj (Simraha) P.S. Case No.727/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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