

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25712 of 2021

Arising Out of PS. Case No.-371 Year-2020 Thana- PAKARIBARAW District- Nawada

1. GURIYA KHATOON WIFE OF RIYAZ KHAN RESIDENT OF VILLAGE-
DOSTTALY BIGHA, IN-FRONT OF KHANKHA, RENTER OF SUHAIL,
P.S.- PAKRIBARAWAN, DISTRICT- NAWADA
2. RIYAZ KHAN @ MD. RIYAZ SON OF KASIM MIYA RESIDENT OF
VILLAGE- DOSTTALY BIGHA, IN-FRONT OF KHANKHA, RENTER
OF SUHAIL, P.S.- PAKRIBARAWAN, DISTRICT- NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. GUDIYA KHATOON W/O GULAB KHAN RESIDENT OF VILLAGE-
DOSTALY BIGHA, P.S. PAKRIBARAWAN, DISTRICT-NAWADA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Singh, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr.Sheo Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 30-08-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
316, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that the accused persons,
including the petitioners, assaulted her on account of which she
delivered prematurely leading to death of the new born child.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and have been
falsely implicated in the present case, petitioners are sister-in-



law and brother-in-law of the informant, the allegations are general and omnibus in nature. It is further submitted that no reason or motive has been assigned in the F.I.R. for committing the occurrence, further the informant had delivered a child of unusually small weight and for some complications, the child may have died, however, there is no report of the hospital which would in any manner indicate that premature delivery was because of any assault perpetrated upon the informant.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the allegation of assault is general and omnibus in nature and there is no report of the hospital to the effect that premature delivery took place on account of assault.

Considering the submissions made by the learned counsel for the petitioners, the provisional bail granted to the petitioners vide order dated 26.05.2022 is hereby confirmed on the same terms and conditions.

(Satyavrat Verma, J)

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