

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21583 of 2022

Arising Out of PS. Case No.-159 Year-2020 Thana- NAANPUR District- Sitamarhi

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1. HUSNE ARA W/o Abbulais @ Abulais Resident of Village- Birar, P.S.- Nanpur, Sitamarhi, Bihar.
 2. ABBULAIS @ ABULAIS Son of Late Kasim Nadaf Resident of Village- Birar, P.S.- Nanpur, Sitamarhi, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioners seeks permission to make rectification in the cause title of the anticipatory bail application in course of the day.

Permission is accorded.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 307, 302, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is the wife of petitioner no. 2.

The father of the informant is alleged to have been



killed. Four other persons are also said to have been injured. The occurrence arose because of some dispute over the functioning of a Madarsa for which the father of Md. Saddam and the informant had been fighting from before.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no specific overt act of assault is alleged against the petitioners. The allegation of assault is general and omnibus in nature. Learned counsel further submits that Md. Islam is alleged to have assaulted Md. Mukhtar by means of farsa on his head causing injury and Md. Zair Nadaf is alleged to have pointed sword at the chest of the informant but superficial injury was caused. Learned counsel further submits that similarly situated other co-accused have been granted anticipatory bail by different coordinate Benches of this Court vide Annexure-7 series to the anticipatory bail application.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but is not able to meet the submissions of the learned counsel for the petitioners that similarly situated other co-accused have been granted privilege of anticipatory bail.

Considering the submissions made by the learned



counsel for the petitioners and taking into consideration the fact that co-accused have been granted anticipatory bail by Annexure-7 series to the anticipatory bail application, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Nanpur P.S. Case No. 159 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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