

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52731 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- BIRPUR District- Supaul

1. Rajia Khatoon, aged about 65 years (F), W/O Md. Saed @ Saidur Rahman, Resident Of Village - Koyali, Ward No.11, P.S.- Birpur, Distt.- Supaul.
2. Manhara Khatoon, aged about 40 years (F), W/O Manjur Alam, Resident Of Village - Koyali, Ward No.11, P.S.- Birpur, Distt.- Supaul.
3. Masahara Khatoon, aged about 35 years (F), W/O Anjar Alam, Resident Of Village - Koyali, Ward No.11, P.S.- Birpur, Distt.- Supaul.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party	:	Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Birpur P.S. Case No. 114/2021 for the offence registered under Sections 341, 323, 324, 307, 379/34 and 498(A) of the I.P.C.

The prosecution story, in brief, is that on 07.04.2021, the husband of the victim called her in a field with food. Then the petitioners and other accused persons assaulted her and



snatched her ornaments and tried to slit throat of the victim. On hulla, the sister of the victim came there, thereafter, the accused persons fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is the mother-in-law and petitioner nos. 2 and 3 are the sisters-in-law (*Gotani*) of the victim. They are separate in mess and property from the husband of the victim. Since the nature of injury is said to be simple, no offence under Section 307 of the I.P.C. is attracted in the present case. Rest of the offences are triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest



or surrender before the learned court below within a period of twelve 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 learned A.C.J.M., Birpur in connection with Birpur P.S. Case No. 114/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioners.

(Sudhir Singh, J)

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