

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53935 of 2021

Arising Out of PS. Case No.-227 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

MD. FAKIR Son of Late Md. Basir Resident of Village- Makhdumpur
(Hafla), P.S.- Katihar Muffasil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tetari Khatoon Wife of Md. Muslim Resident of Village- Makhdumpur, P.S.-
Katihar Muffasil, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-04-2022

Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Katihar Muffasil P.S. Case No. 227/2020 registered under Sections 448, 341, 323, 307 and 379/34 of the Indian Penal Code.

As per the First Information Report, on 06.10.2020 as the informant was clearing the water accumulated due to the rainy season, verbal words were exchanged between the parties, who are agnates and it is alleged that all the seven persons named in the FIR including the petitioner herein armed with 'lathi danda', and rod entered the house of the informant and assaulted her as a result whereof she sustained injury on her



forehead and other parts of the body. She further alleged that her other family members also sustained injury. Later, the accused decamped with Rs. 10,000/- and nose pin of her daughter-in-law, Nasim Khatoon. As the villagers assembled, the accused left the scene of occurrence.

Learned counsel for the petitioner submits that omnibus allegations have been levelled against all the accused persons including the petitioner herein. There is a counter case also being Muffasil P.S. Case No. 226 of 2020 related to the same occurrence and further that all the other co-accused persons have been granted the privilege of anticipatory bail vide Cr. Misc. No. 15505 of 2021 disposed of on 05.08.2021 by a co-ordinate Bench of this Court. He further submits that except for the two injuries which are on her both forearm and have been described as fractured and grievous in nature, other injuries are simple in nature.

Learned counsel for the State while opposing the bail application however, concedes that the allegations are omnibus in nature and perusal of order sheet (Annexure-2) shows that the others have also been granted bail.

Taking into account the aforesaid contention put forward by the learned counsel for the petitioner, let the



petitioner be released on bail on furnishing bail bond of Rs. Rs.
10,000/- (Ten Thousand) with two sureties of like amount each
to the satisfaction of Judicial Magistrate, 1st Class, Katihar in
connection with Katihar Muffasil P.S. Case No. 227 of 2020.

(Rajiv Roy, J)

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