

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62811 of 2021

Arising Out of PS. Case No.-442 Year-2021 Thana- JOKIHAT District- Araria

1. MD. MOJEEB @ MD. MOJIBUR RAHMAN Son of - Late Suleman Resident of Village - Kajleta, Ward No. -09, P.S. - Jokihat, District - Araria.
2. Bibi Aara Khatoon @ Dilara Wife of - Md. Mojeeb @ Md Mojibur Rahman Resident of Village - Kajleta, Ward No. -09, P.S. - Jokihat, District - Araria.
3. Gufrana Daughter of - Md. Mojeeb @ Md. Mojibur Rahman Resident of Village - Kajleta, Ward No. -09, P.S. - Jokihat, District - Araria.
4. Rumana Khatoon @ Rumana Perween Daughter of - Late Suleman, (Actually Daughter of - Md Mojeeb @ Md Mojibur Rahman) Resident of Village - Kajleta, Ward No. -09, P.S. - Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party/s :	Mr. Ravindra Kumar, APP
	Mr. Satish Chandra Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-07-2022 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, 354, 427, 504 506, and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner nos. 2, 3 and 4 are women, and the informant alleges that on 09.09.2021 in the morning, all the petitioners came and started abusing her and thereafter caught her by her hair and dashed her on the ground and assaulted her with fists and kicks and even



tore her cloth and disrobed her. It is next alleged that the petitioners even tried to strangle her by using towel and thereafter snatched her silver chain. It is further alleged that husband of the informant had died and as such the petitioner no. 1 wants to grab the property of her husband as earlier also the petitioner no. 1 had destroyed the trees on the lands of the informant's husband and had also assaulted her earlier.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that there is a dispute between the family of the petitioners and the informant. It is next submitted that all the Sections are bailable except Section 354 of the IPC, it is also submitted that as far as Section 354 of the IPC is concerned, the allegations are ornamental as there is no specific allegation against the accused that who disrobed her.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and submits that in the FIR it is specifically alleged that the accused persons had even assaulted causing injury to a child of the informant which led to fracture of her hand. Learned APP further submits that from Para-28 of the case diary, it would manifest that the child had suffered injury on hand and the opinion of doctor has been reserved. It is further submitted that



had the injury been simple, the same would have been recorded in the injury report but since the injury is reserved, it points to the fact that injury suffered by the child was not simple in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3 and 4 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. 5,000/- (Rupees 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 Jokihat P.S. Case No. 442 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as petitioner no.1 is concerned, the Court is not persuaded to extend the privilege of anticipatory bail to him as the child of the informant suffered injury in the fight between the families which he could have easily averted. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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