

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70160 of 2021

Arising Out of PS. Case No.-225 Year-2021 Thana- GORAUL District- Vaishali

1. Tabbasum Khatoon Daughter of Late Md. Nazir Resident of village - Mansoorpur Halaiya, P.S.- Goraul (Kathara O.P.), District - Vaishali.
2. Shamima Khatoon Wife of Md. Rozid Resident of village - Mansoorpur Halaiya, P.S.- Goraul (Kathara O.P.), District - Vaishali.
3. Rafat Pravin Wife of Late Md. Nazir Resident of village - Mansoorpur Halaiya, P.S.- Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Advocate
For the Informant	:	Ms. Rina Sinha, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307, 302/34 of the Indian Penal Code.

The prosecution case, in short, is that the informant's sons Md. Shamim and Md. Yakib were returning to their house,



as soon as they reached the house, accused Md. Irshad, md. Naushad, Md. Junaid, Tabassum Khatoon, Md. Majid, Md. Rojid, Shamima Khatoon and Rafat Parveen surrounded and caught hold of them. Accused Shamima Khatoon and Rafat Parveen brought dagger from the house and gave to Md. Irshad and md. Junaid and ordered to kill. Thereafter, Md. Irshad stabbed knife in the abdomen of Md. Shamim and Md. Junaid inflicted dagger blow in the stomach of Md. Yakib. Md. Naushad indiscriminately assaulted with hockey on the neck of Md. Shamim, rest of the accused persons also assaulted his both the sons with lathi and hockey. Due to which his both sons became badly injured. His both sons were brought to Mahua Hospital but Md. Shamim died.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of assault is against co-accused Md. Irshad, Md. Junaid and Md. Naushad. He further submits that there is no specific allegation of assault against the petitioners rather there is general and omnibus allegation against the petitioners. The similarly situated co-accused persons namely Md. Naushad, Md. Mazid and Md.



Rozid have been granted bail vide order dated 09.05.2022 in Cr. Misc. No. 62750 of 2021. The police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 16.09.2021.

Learned counsel appearing on behalf of the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Goraul (Katahra O.P.) P.S. Case No. 225 of 2021, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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