

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71990 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- TISIAUTA District- Vaishali

1. MD. MUMTAZ @ MOHAMMAD MUMTAZ Son of Mohammad Akhtar @ Md Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
2. MD. ATABUL @ MOHAMMAD ATABUL Son of Mohammad Akhtar @ Md. Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
3. MD. IMTEYAZ @ MOHAMMAD IMTEYAZ Son of Mohammad Akhtar @ Md. Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
4. MD. IBRAHIM @ MOHAMMAD IBRAHIM Son of Mohammad Akhtar @ Md. Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
5. MD. ILTAF @ MOHAMMAD ILTAF Son of Mohammad Akhtar @ Md. Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
6. MD. FIROZ @ MOHAMMAD FIROZ Son of Mohammad Akhtar @ Md. Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
7. MD. AKHTAR @ MOHAMMAD AKHTAR @ AKHTAR MIYAN @ MOHAMMAD AKTAR Son of Late Habib Miyan Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
8. HALIMA KHATOON Wife of Md. Akhtar @ Mohammad Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali
9. TABASUM KHATOON @ TABASUM KHATOON D/O Md. Akhtar @ Mohammad Akhtar @ Akhtar Miyan @ Mohammad Aktar Resident of Village- Vishanpur Govind, Ward No.-10, P.S.- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 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, 148, 341, 323, 324, 307, 379, 354, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1, 2, 3, 5 and 6 have antecedent of one case and petitioner nos. 4, 7, 8 and 9 are persons with clean antecedent and petitioner nos. 8 and 9 are women and the informant alleges that accused persons including the petitioners came and petitioner no. 2 assaulted him with sword causing injury on head, thereafter petitioner no. 6 assaulted him by an iron rod, further petitioner no. 1 disrobed Raushan Khatoon and dashed her on the ground, next Mohammad Imtiyaz snatched gold chain from the neck of Raushan Khatoon, thereafter petitioner no. 4 assaulted Sakina by an iron rod and petitioner no. 5 assaulted his brother from grip of sword causing injury on nose, thereafter all the accused persons assaulted other family members of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted injuries suffered by the injured are simple in nature except one of the injuries of Raushan Khatoon which is said to be grievous but then it is submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that petitioner no. 1 is alleged to have dashed her on the ground and disrobed her but the injury suffered by her is said to be grievous caused by hard and blunt substance which



belies the allegation as alleged in the F.I.R. It is also submitted that it absolutely does not stand to reason that how could the informant with such precision could have alleged that who assaulted whom and with what object and where, this further creates doubt with regard to the veracity of the allegation as alleged.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Tisiauta P.S. Case No. 83 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

