

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4983 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- SUGAULI District- East Champaran

1. JARINA KHATOON @ SHABANA KHATOON Wife of Mokhtar Mian @ Mokhtar Ahmad R/o Village - Bhargawan, P.S.- Sugauli, District - East Champaran.
2. Shabina Khatoon Daughter of Mokhtar Mian @ Mokhtar Ahmad R/o Village - Bhargawan, P.S.- Sugauli, District - East Champaran.
3. Sharmil Khatoon @ Sharmila Khatoon Daughter of Mokhtar Mian @ Mokhtar Ahmad R/o Village - Bhargawan, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Perna Rishi, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and the learned APP for the State as well as learned counsel for the informant.

The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No.232 of 2022 registered for the offence punishable under Section 341, 323, 324, 307, 302 and 504/34 of the Indian Penal Code.

The prosecution case is that from the FIR, it is obvious that the perpetrators of assault, as per allegations, are family members (agnates) of the informant.

Learned counsel for the petitioners submits that the



three petitioners are female members of the alleged perpetrator-family. They have been implicated on extraneous considerations and are obviously having clean antecedents. The two accused persons, who have allegedly assaulted the informant and his father leading to death of father, have since been allowed regular bail.

Learned counsel for the informant and learned APP for the State have opposed the prayer for pre-arrest bail. It is submitted that specific assault is attributed against all the accused persons, including the petitioners.

Considering the rival submissions, the fact of regular bail being allowed to others, whose assault has led to demise of one of the prosecution parties, the fact of petitioners being female and the nature of general and omnibus allegation as also the fact that they are agnates, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in



connection with Sugauli P.S. Case No.232 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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