

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17093 of 2023

Arising Out of PS. Case No.-912 Year-2022 Thana- ARARIA District- Araria

1. Bibi Tejun Nisha @ Bibi Tezun Nisha @ Jaibun Nisha Wife Of Md. Tamir R/O Village- Manikpur, Ward No.11, P.S.- Araria (BAIRAGACHHI O.P.), District- Araria
2. Rubi Khatun @ Bibi Roobi D/O Md. Tamir, Wife Of Eklakh R/O Village- Manikpur, Ward No.11, P.S.- Araria (BAIRAGACHHI O.P.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhu Mala, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard Ms. Madhu Mala, learned counsel for the petitioner and the State.

The petitioners are apprehending arrest in connection with Araria (Bairgchhi O.P.) P.S. Case No. 912 of 2022 under sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code lodged on 25.10.2022 by the informant Md. Rashid.

The prosecution story, is that, on 21.10.2022, the informant after closing his shop alongwith his brother Sakir who also closed his flour mill, were coming home and when petitioners alongwith co-accused Md. Tamir @Tami Md. Salim, Subhan. wrongly restrained the informant and his brother on



their way, abused and assaulted both by blow of wood log. On raising alarm, informant's father Aminoor Rashid, mother Nazmin and younger brother Talha came to save them, all the accused persons also assaulted them. It has been alleged further that co-accused Samim assaulted the informant's father by giving iron rod blow and petitioner Rizwan and co-accused Subhan also assaulted the Informant's father. As a result, he sustained injury and fell down and became unconscious.

It has been alleged that accused persons also assaulted Nazmin and Talha and outraged the modesty of Nazmin by toring her clothes. The injured persons after having some treatment at Sadar hospital, Araria were referred to Purnia Sadar Hospital from where the injured were referred to Max Hospital, Purnia for better treatment of critical injuries and where informant's father is/was still struggling for his life due to injury sustained in the occurrence. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioners that in a zeal to rope in every family members, they have been implicated in this case. She further submits that the petitioners played no no role in the matter and both of them do not carry criminal antecedents.

Learned counsel for the informant on the other



submits that the entire family were involved in the alleged assault as also snatching of the gold ornaments.

Learned APP opposed the submission put forward by the learned counsel for the informant.

Considering the fact that both the petitioners are ladies, do not have criminal antecedents and ultimately they will have to face the music, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgchhi O.P.) P.S. Case No. 912 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. alongwith other conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

Before parting, this Court would like to put on record its of word of appreciation for Ms. Madhu Mala, learned counsel for the petitioner for the proper assistance to the Court.

(Rajiv Roy, J)

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