

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21306 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

1. Sobara Khatoon Wife of Md. Salim Resident of Village - Ghanshyampur (Haripur), Tole - Badiya, Police Station - Ghanshyampur, District - Darbhanga.
2. Pramila Khaton Wife of Md. Bablu @ Md. Babul Resident of Village - Ghanshyampur (Haripur), Tole - Badiya, Police Station - Ghanshyampur, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Ghanshyampur P.S. Case No. 156 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 15.06.2022 all the accused persons came at the door of the informant and assaulted him and his family members. It is alleged that one Md. Muslim told others to kill all of them whereupon all the accused persons attacked the informant, his brother and his nephew (Bhagina) with lathi, Bhala, farsa, tengari, bamboo stick. It is alleged that nephew



of the informant received head injury, the informant got badly injured and the brother of the informant was assaulted by Ali Akbar and Muslim Naddaf. Thereafter, on hulla all the accused persons fled away and the injureds were taken to the hospital where during treatment, the brother of the informant died.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation of any overt act against these petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that these two petitioners have been named among 24 named accused and 20-25 unknown accused who had allegedly assembled and attacked the informant and others of his family, the submissions are that no weapon has been attributed in the hand of these petitioners, the allegations are general and omnibus and the main accused who had allegedly instigated the occurrence is said to be co-accused Ali Akbar is not before this Court, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each



to the satisfaction of learned Judicial Magistrate-1st Class, Biraul, District-Darbhanga in connection with Ghanshyampur P.S. Case No. 156 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that they appear before the Investigating Officer within a period of four weeks from today and co-operate in course of investigation.

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 antecedent, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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