

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21769 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- JOKIHAT District- Araria

1. Bibi Ansari@Most Ansari@Ansari Wife Of Late Baharuddin @ Md. Baharuddin Resident Of Village- Bagmara Ward No. 2, Ps- Jokihat, Distt- Araria
2. Bibi Fajida @ Bibi Famida Wife Of Ahad @ Abdul Ahad Resident Of Village- Bagmara Ward No. 2, Ps- Jokihat, Distt- Araria
3. Md. Wajid @ Md. Wajid Alam Son Of Ahad @ Abdul Ahad Resident Of Village- Bagmara Ward No. 2, Ps- Jokihat, Distt- Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s	:	Mr.Raj Kishor Singh, APP
For the O.P.	:	Mr.Anil Prasad Singh, Advocate
		Mr.Vijay Kishore Bharti, Advocate

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 Jokihat P.S. Case No. 525/2022 registered for the offences punishable under Sections 341, 323, 325, 307, 302/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that all the accused persons were quarreling with his mother and when he reached there to pacify the matter, all the accused persons assaulted him and his mother with lathi, danda



and iron rod. In the meantime co-accused Yunus assaulted with iron rod on the head of the informant. It is also alleged that when his father Md. Irshad Alam came to rescue the informant he was also assaulted. The father of the informant was being taken to Purnea for better treatment but on way he died.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the petitioners were also member of the mob and the specific allegations are against co-accused Yunus, Md. Ahad and Tahzeeb.

Learned A.P.P. 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 the submission of learned counsel for the petitioners that these petitioners have not committed any overt act, they have been named among seven named accused persons in the F.I.R. and the only allegation against them is that they were also member of the mob, the specific allegations are against co-accused Yunus, Md. Ahad and Tahzeeb, these petitioners who are the female members of the family have been falsely implicated and they have no criminal antecedent, this Court, therefore, directs that in case of their arrest/surrender



within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 525/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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