

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28091 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- BAHERA District- Darbhanga

1. Mokima Khatoon @ Md Kima Khatoon Wife Of Md Irfan Resident Of Village/Mohalla- Badarbanna, P.S.- Bahera, District- Darbhanga
2. Md. Imran @ Imran Son Of Md. Irfan Resident Of Village/Mohalla- Badarbanna, P.S.- Bahera, District- Darbhanga
3. Md. Shakil @ Eklakh Son Of Md. Kaium Resident Of Village/Mohalla- Badarbanna, P.S.- Bahera, District- Darbhanga
4. Md. Shamim Son Of Md. Mausim Resident Of Village/Mohalla- Badarbanna, P.S.- Bahera, District- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

At the outset, learned counsel for the petitioners has informed this Court that during pendency of the application petitioner no. 1 namely, Mokima Khatoon @ Md. Kima Khatoon has been arrested, hence this application as regards petitioner no. 1 has become infructuous.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Bahera P.S. Case No. 201 of 2022 registered for the offences punishable under Sections 147, 323, 341, 307, 354B, 427, 504 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 on 20.05.2022 his neighbour Md. Istiyakh called a Amin for measurement of the land and in course of measurement the Amin nailed spike in the courtyard of the informant, the informant protested the same and an altercation took place. The informant further alleged that all the accused persons abused him and assaulted by sword, lathi, danda etc. in his courtyard. Md. Istiyaque assaulted on the head of the informant. When the family members of the informant came to save him, they were also assaulted by the accused persons.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that scuffle created by the informant near the house of petitioners and for removal of the spike. There is case and counter case also.

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, there being a case and counter case between the parties, the co-accused Md. Istiyaque @ Md. Istiyakh against whom



there was an allegation that he had assaulted the informant by sword has been granted privilege of anticipatory bail in Cr. Misc. No. 18026/2023, petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 2, 3 and 4 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 Additional Chief Judicial Magistrate, Darbhanga in connection with Bahera P.S. Case No. 201 of 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 petitioner nos. 2, 3 and 4 and in case at any stage it is found that the petitioner nos. 2, 3 and 4 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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