

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38320 of 2023

Arising Out of PS. Case No.-88 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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1. MD. HASNAIN @ MD. HUSNAIN @ HUSSAIN AHMAD SON OF LATE AKUB RESIDENT OF VILLAGE HASANPUR BALUA, PS- KUNDWA CHAINPUR, DISTRICT- EAST CHAMPARAN
 2. MD AMANULLAH @ AMANULLAH SON OF MD. HUSNAIN RESIDENT OF VILLAGE HASANPUR BALUA, PS- KUNDWA CHAINPUR, DISTRICT- EAST CHAMPARAN
 3. MD. INAULLAH @ MD. INAMULLAH @ INAMULLAH SON OF MD. HUSNAIN RESIDENT OF VILLAGE HASANPUR BALUA, PS- KUNDWA CHAINPUR, DISTRICT- EAST CHAMPARAN
 4. NOOR JAHAN @ NOOR JAHAN KHATOON WIFE OF MD. HUSNAIN RESIDENT OF VILLAGE HASANPUR BALUA, PS- KUNDWA CHAINPUR, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Quamar Raza, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Trial no. 515 of 2022 (arising out of Kundwa Chainpur P.S. Case no. 88 of 2019) registered under sections 308, 379, 354B, 448, 341, 342, 323, 324, 325, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the four named accused persons are said to have come and started abusing the informant



and others. Petitioner no. 1 is said to have assaulted one Afsana on her head leading to injuries. The other accused persons are also said to have assaulted the informant as also the members of their family.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. The so called injuries on the injured have been found to be simple in nature which will be evident from the injury report. The petitioner no. 1, 2 and 4 were given privilege of section 41(1) of the Cr.P.C. while the petitioner no. 3 was not sent up for trial. However, subsequently the learned court below took cognizance in the case.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, benefit of section 41(1) of the Cr.P.C. having been granted to three petitioners and petitioner no. 3 not having been sent up for trial, it is directed that the petitioners above named, in the event of their arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Trial no. 515 of 2022 (arising out of Kundwa Chainpur P.S. Case no. 88 of 2019) on furnishing bail bond of



Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate V, Sikrahana at Dhaka, District East Champaran, subject to conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Spd/-

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