

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37609 of 2023

Arising Out of PS. Case No.-768 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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1. Anjum Ara W/O Prawez Alam R/O Mohalla- Bisatipatti, PS. Town Motihari, Dist. East Champaran
 2. Aysha Khatoon W/O Late Md. Serajuddin R/O Mohalla- Bisatipatti, PS. Town Motihari, Dist. East Champaran
 3. Md. Manjur Alam @ Vicky S/O Late Noor Alam R/O Mohalla- Bisatipatti, Ps. Town Motihari, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the State	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Vijay Shnakar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners, the learned Additional Public Prosecutor (for brevity 'APP') for the State and learned counsel for the Informant.

2. The petitioners are apprehending their arrest in connection with Town P.S. Case No. 768/ 2022 registered for the offence punishable under Sections 341, 354 (B), 323, 324, 308, 379, 34 of the Indian Penal Code (for brevity 'IPC').

3. There is allegation of assault levelled against the petitioners. Against petitioner Nos. 1 & 2, allegation is of assault by means of 'rod' and 'farsa', upon the head of the informant. Petitioner No. 3, has allegedly tried to outrage the



modesty of informant and torn her clothes.

4. Learned counsel for the petitioners submits that over a trivial issue, dispute occurred between the parties for which the present prosecution parties were made accused in a complaint case, lodged by the instant accused side on 27-06-2022 itself. To overcome the criminal liability arising out the said case, the present complaint has been lodged on 26-07-2022, whereas the alleged occurrence is of 17-06-2022. The nature of injury, found on the informant, have been opined to be simple in nature. Petitioners are family members. Petitioner Nos. 1 & 2 are female family members, aged about 44 years and 70 years respectively. Petitioners have no criminal antecedents.

5. Learned APP for the State as well as learned counsel for the Informant have opposed the prayer for anticipatory bail. It is submitted that the assault is supported by injury report.

6. Having regard to the submissions advanced by the petitioners' counsel, delay in lodging of the case, nature of injuries, clean antecedents, and the manner of occurrence, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in



the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, , Motihari, District- East Champaran, in connection with Town P.S. Case No. 768/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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