

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37758 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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ARBAJ KURAISHI Son of Lalbabu Mian Resident of mohalla - Naurangbag
ward no. 34, P.S. - Bettiah Town, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Bettiah Town P.S. Case No.196 of 2023 instituted under
Sections 341, 323, 324, 307, 379, 504/34 of the IPC lodged on
16.03.2023 by the informant Seema Devi.

As per the FIR, the occurrence alleged to have taken
place on 15.03.2023 at 10:00 p.m. and the allegation is against
accuseds (1) Arbaj Kuraishi, (2) Ehsan Mian, (3) Arman Mian,
(4) Rockey Mian, (5) Sarali Khatoon @ Noorjahan Khatoon, (6)
Fatma Khatoon and (7) Rehana Khatoon, on the basis of which
Bettiah Town Police Station Case No. 196 of 2023 was
registered on 16.03.2023 under sections-341, 323, 324, 307,
379, 504/34 of the Indian Penal Code.



The informant in her fardbeyan alleged that due to previous dispute, Arbaj Kuraishi (petitioner) was abusing her 'Mausa' Samar Kumar Dutta, which was objected by the informant. Thereafter, all the accused persons named above came armed with various weapons and committed 'Mar-Pit'. Arbaj Kuraishi (petitioner) assaulted with sword on the head of her causing injury on head to kill her and when her 'Dewar' Vicky Kumar Sah came there, Ehsan Mian assaulted with knife to on wrist of left hand. In the meantime, second 'Dewar' Vikash Kumar came came to their rescue when Arman Mian assaulted with sword on head and right hand causing injuries. She further alleged that Rehana Khatoon snatched golden 'Mangal Sutra' from her neck. Thereafter, all the accused persons fled away as the people started gathering. Accordingly, the FIR.

The contention of the learned counsel for the petitioner is that although the allegation of assault has been attributed to the petitioner, the injuries have been found to be simple in nature. Further, he has remained in custody since 16.03.2023 (as stated in para-10 of the petition)

Learned APP opposes the prayer for bail.

Considering the fact that the injuries have been found



to be simple in nature, he has remained in custody since 16.03.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bettiah Town P.S. Case No.196 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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