

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40941 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MIRGANJ District- Purnia

1. MD RASSO S/O MD MUSHHARU MIYA R/O VILLAGE- MIRGANJ, PS. MIRGANJ, DIST. PURNIA
2. MD. AKHLAQ @ MD. EKHLAK S/O MD. RASSO R/O VILLAGE- MIRGANJ, PS. MIRGANJ, DIST. PURNIA
3. MD. EKBAL @ MD. AKBAL S/O MD. RASSO R/O VILLAGE- MIRGANJ, PS. MIRGANJ, DIST. PURNIA
4. RABISA KHATOON W/O MD. RASSO R/O VILLAGE- MIRGANJ, PS. MIRGANJ, DIST. PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Ms. Diksha Kumari, Advocate
	:	Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2023 1. Heard learned Senior counsel for the petitioners

and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. The informant alleges that there was a dispute with a woman with regard to throwing of garbage towards his house on account of which the FIR named accused persons in furtherance of their common intention came and assaulted him brutally causing injury on head and thereafter the informant was



taken to hospital where he died during the course of treatment.

4. The learned Senior counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that on a trivial issue an altercation took place in which both side assaulted each other and the allegation of assault is also not specific, it is further submitted that petitioner no. 4 has been falsely implicated in the present case being wife of petitioner no. 1.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that the allegations as alleged in the FIR inspire confidence for the reason that the assault committed was such that it was not possible for the informant to clearly and specifically allege who assaulted where but then the informant during the course of treatment died on the next day.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to petitioner nos. 1, 2 and 3, however, **petitioner no. 4** in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mirganj P.S. Case No. 12 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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