

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44412 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- PHENHARA District- East Champaran

1. MD. MOTIN SON OF MD. DUKHAN @ MD. DUKHAN MIAN VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
2. KHAITON NESHA WIFE OF MD. DUKHAN @ MD. DUKHAN MIAN VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
3. JOHRA KHATOON WIFE OF LATE SAGIR VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
4. SAHIMA KHATOON DAUGHTER OF LATE MD. KHURSHED VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
5. MD. SHAMIM SON OF MD. DUKHAN @ MD. DUKHAN MIAN VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
6. SAMINA KHATOON DAUGHTER OF MD. DUKHAN @ MD. DUKHAN MIAN VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN
7. MD. DUKHAN MIAN SON OF IBRAHIM MIAN VILL PHENHARA, PS- PHENHARA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 354B, 307 and other allied Sections of the Indian Penal Code.

3. Allegedly, the petitioners and other co-accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that the petitioners have been granted the benefit of Section 41A of the Cr.PC but later on charge sheet has been submitted under Section 307 of the Indian Penal Code. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Phenhara P.S. Case No.07 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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