

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45131 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- FALKA District- Katihar

1. JAMSHEDA KHATOON @ BEPTI KHATOON Wife of Md. Kaiyum Resident of Village - Salehpur (Maheshpur) Parati Tola, P.S.- Falka, Distt.- Katihar.
2. Rifat Khatoon @ Ruphat Khatoon Daughter of Md. Kaiyum Resident of Village - Salehpur (Maheshpur) Parati Tola, P.S.- Falka, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the informant	:	Md. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners, the State as also the informant.

The petitioners are apprehending arrest in connection with Falka P.S. Case No. 22 of 2023 instituted under under Sections 341, 323, 324, 307, 379, 504, 506/34 and later section 302 was added of the Indian Penal Code lodged on 27.1.2023 by the informant, Md. Rustam.

As per the prosecution story, the allegation is that on the alleged date, she goat of the informant was assaulted by the grand son of Md. Kayum and when this was objected, the accused persons slapped her. When the wife of the informant protested, all of them assaulted the informant and his wife.



Further allegation is of taking away Rs. 7000/- from 'Kirana' shop. They were sent to the Katihar hospital and after first aid, discharged. Accordingly, the FIR.

It is the case of the petitioner that entire family members have been implicated on a trivial issue and further there is no such injury, the allegation is omnibus nature.

Learned counsel for the informant opposes the prayer stating that they have assaulted the informant's side.

Considering the fact that both of them are ladies, do not have criminal antecedents and the allegations are omnibus in nature, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Falka P.S. Case No. 22 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Katihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

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

(Rajiv Roy, J)

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