

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49597 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- TERHAGACHH District- Kishanganj

1. AMINUDDIN @ AMINOUDDIN S/o Late Qurban Ali Resident of Village-Dahibhat, P.S.- Tedhagachhi, District- Kishanganj.
2. Kanna @ Akhter Bassi S/o Aminuddin @ Aminouddin Resident of Village-Dahibhat, P.Sw.- Tedhagachhi, District- Kishanganj.
3. Kannai @ Ajnabi D/o Aminuddin @ Aminouddin Resident of Village-Dahibhat, P.S.- Tedhagachhi, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Adv. Mr. Binay Kumar, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-03-2023 Mr. Abdul Mannan Khan, the learned Advocate

for the petitioners, after some arguments, seeks

permission to withdraw the application with respect to

petitioner nos. 1 and 2 whose anticipatory bail application

was rejected by order dated 08.12.2021 passed in

Criminal Miscellaneous No. 39699 of 2020.

This application with respect to petitioner nos. 1

and 2, namely, Aminuddin @ Aminouddin and Kanna @

Akhter Bassi stands dismissed as withdrawn.

Mr. Khan, the learned Advocate presses the case



of only petitioner no. 3/Kannai @ Ajnabi, who is aged about 24 years and seeks bail in anticipation of her arrest in connection with Tedhagacchi P.S. Case No. 128 of 2019 instituted for the offences under Sections 147, 148, 341, 323, 324, 149, 325, 326, 307, 302 and 120(B) of the Indian Penal Code.

The learned counsel for the petitioners has submitted that it could not be pointed out on the last occasion that there is a general allegation against all the accused persons of having assaulted the husband of the informant leading to his death.

The petitioner no. 3 may have been shown in the F.I.R. to be present at the time of the occurrence but she is alleged to have assaulted one of the sons of the informant along with one Sanam @ Bibi Sanam and Bibi Sanam was granted bail by the aforementioned order dated 08.12.2021 passed in Criminal Miscellaneous No. 39699 of 2020.

The learned Advocate, therefore, prays that in the event of a person having been granted bail on the



same charge, the petitioner no. 3 also deserves for a lenient consideration even though her prayer for anticipatory bail was earlier rejected by this Court. It has further been submitted that perhaps it could not be pointed out to the Court that the petitioner no. 3/ Kannai @ Ajnabi is a female because of the wrong address given of her, showing her to be the son of one Aminuddin. She is the daughter of Aminuddin.

Considering this aspect of the matter, this Court is inclined to grant bail to petitioner no. 3/ Kannai @ Ajnabi.

In the event of arrest or surrender of petitioner no. 3/ Kannai @ Ajnabi before the court below within a period of three weeks from the date of receipt / production of a copy of this order, she shall be released on bail, on her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Kishanganj, in connection with Tedhagachhi P.S. Case No. 128/2019, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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