

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48774 of 2023

Arising Out of PS. Case No.-234 Year-2021 Thana- MADHUBAN District- East Champaran

1. Shabnam Khatoon, Wife Of Md. Sarfaraj Alam, Resident Of Village - Bhusaha, P.S. - Sangrampur, District - East Champaran
2. Md Liyakat Ali @ Liyakat Ali, Son Of Md. Hanif, Resident Of Village - Bhusaha, P.S. - Sangrampur, District - East Champaran
3. Md. Meraj @ Meraj Hussain, Son Of Md. Hanif, Resident Of Village - Bhusaha, P.S. - Sangrampur, District - East Champaran
4. Md. Irshad @ Irshad Alam, Son Of Liyak Ali @ Liyakat Ali Resident Of Village - Bhusaha, P.S. - Sangrampur, District - East Champaran
5. Husaina Khatoon, Daughter Of Md. Liyakat Ali @ Liyakat, Ali Resident Of Village - Bhusaha, P.S. - Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Madhuban P.S. Case No. 234 of 2021 registered on 21.07.2021 for the offences punishable under Sections 341, 324, 326, 307, 120B, 506, and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the petitioners are named accused in the FIR with the accusation that they all reached the



tailor shop of the informant, and thereafter, one of them, fired upon the informant, as a result of which, the informant got injured. The petitioner raised suspicion that the incident of firing has been done by his in-laws' family members, including his wife.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. The accusation is omnibus and general against all the accused persons. The present case has been lodged with the intention to put pressure upon the petitioners' side as at an earlier point in time, petitioner no.1 had lodged a criminal case being Madhuban P.S. Case No. 202/2019 under Section 498A of the I.P.C. and section 3/4 of the Dowry Prohibition Act against the informant and his family members. It is further submitted that petitioner nos. 1, 2, 4, and 5 have no criminal antecedent whereas petitioner no.3 is accused in one more criminal case, wherein he is on bail.

4. Learned APP for the State opposes the prayer for bail of the petitioners and submits that accusation of firing is there in the FIR against the petitioners.

5. Considering the nature of the allegation being omnibus and general against the petitioners, let the above-



named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Motihari, East Champaran in connection with Madhuban P.S. Case No. 234 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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