

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54310 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Abdul Khalique, Son Of Habibur Rahman
 2. Yasmin Khatoon, Wife of Abdul Khalique
- Both are residents of village-Andhari, P.S.-Sadar, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sadar (Bhalpatti OP) P.S. Case No. 71 of 2023, registered for the alleged offences under Sections 341, 323, 307, 354 (B), 504, 506 and 379/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons in the background of land dispute assaulted the informant and co-accused gave ‘Tengari’ blow on the head of the informant causing injury in the mid of the forehead. They also took away ornaments of gold and silver worth Rs.1,55,000/- and cash of Rs.1,50,000/- from the house of the



informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner no.1 is the father of the informant and the petitioner no. 2 is the stepmother of the informant. The land dispute is admitted in the FIR itself. During investigation, none of the independent witnesses have supported the prosecution case. There is no specific allegation against the petitioners and allegation of theft and other allegation are only super addition. The allegation of assault is against co-accused Md. Danish. Moreover, the injury report of the informant shows single injury, which is a cut on forehead of about 2" x 1/4" x 1/8", which is stated to be simple in nature. The petitioners are having clean antecedents.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the relationship of the petitioners and the informant and further considering the non-specific nature of allegation against the petitioners and the injury caused is stated to be simple in nature, let the petitioners, above named, in the event of their arrest or



surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar (Bhalpatti) P.S. Case No. 71 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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