

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51926 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- CHHATAPUR District- Supaul

1. MD. JIYABUL, Son of Gafur, R/V- Jhakhargarh, P.S- Chhatapur, Dist- Supaul
2. Gafur, Son of Late Sobarati Miyan, R/V- Jhakhargarh, P.S- Chhatapur, Dist- Supaul
3. Bibi Apsan Khatun @ Apsana, Wife of Md Zahir Mansuri, R/V- Jhakhargarh, P.S- Chhatapur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate
For the Opposite Party/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mrs. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 283 of 2021 registered for the offences punishable under Sections 341, 447, 448, 323, 324, 325, 307, 379, 504 and 506 read with Section 34 of the Indian Penal Code.



As per the prosecution case, the petitioners and other co-accused persons armed with various weapons entered her house and started abusing and assaulted her causing fracture injury on her head and *panjra*. She has further alleged that when her son and daughter-in-law came to her rescue, the petitioners and the other co-accused persons assaulted her son and Bibi Rabina with intent to kill and snatched her chain and Rs. 10,000/ from the pocket of her son.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the alleged occurrence took place on 28.07.2021 but the present case has been filed on 13.08.2021 and there is delay of 17 days in lodging the F.I.R. There is general and omnibus allegation against the petitioners. Learned counsel for the petitioners has submitted that as per injury report, Habibula received simple injury, Bibi Hajra received three injuries out of which injury no. 3 is body pain due to fighting and other injured also sustained simple injuries. The petitioner no. 1 and 2 have got criminal antecedent and the petitioner no. 3 has got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State and learned counsel for



the informant have opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Supaul in connection with Chhatapur P.S. Case No. 283 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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