

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59082 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- KHIJARSARAI District- Gaya

Hussainara Praween @ Husanara Praween, W/o Eklakh Miyan, Resident of Village-Akani, P.S.-Khizersarai, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar, Advocate
For the State	:	Mr.Mohammed Arif, APP
For the Informant	:	Mr. Shivam Kumar Diwakar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner, learned APP for the State and the learned counsel for the Informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Khizersarai P.S. Case No. 208 of 2023 registered for the alleged offences under Sections 341, 323, 308, 427, 354, 379 and 34 of the Indian Penal Code.

3. As per prosecution case, the husband of the petitioner assaulted the husband of the informant with iron rod who fell down after receiving the injury. When the informant came at the spot on hearing the noise, she saw the petitioner and her husband assaulting the husband of the informant and when the informant tried to save her husband, she was also assaulted by the petitioner and the co-accused, who tore her clothes and



snatched her *mangalsutra* and *jitiya*. The allegation against the petitioner is that she assaulted the husband of the informant with stone.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case has been lodged by the informant to save her husband from the case lodged by the petitioner's side vide Khizersarai P.S. Case No.193/2023 for an occurrence dated 15.05.2023 and the FIR was lodged on the same day. The informant of this case has lodged the FIR on 22.05.2023 showing the date of occurrence to be 15.05.2023 and there is no explanation for this undue delay. In fact, the husband of the informant entered into the house of the petitioner and tried to outrage her modesty. The learned counsel further submits that the petitioner is a lady and belongs to a respectable family.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. The learned counsel for the informant submits that there is specific allegation against the petitioner that she struck the husband of the informant with stone and consequently grievous injuries have been caused, but the learned counsel for the



informant is unable to show any document regarding injury caused by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the earlier case of the petitioner against the husband of the informant and further considering the possibility of false implication, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya, in connection with Khizersarai P.S. Case No. 208 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 petitioner.

(ii) The petitioner 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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