

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56053 of 2022

Arising Out of PS. Case No.-292 Year-2022 Thana- DHAKA District- East Champaran

1. SADIQUE MIAN LATE NABIJAN MIAN @ NAVJAAN MIAN Resident of Village- Sapahi, Daudnagar, P.S.- Pachpakri O.P. (Dhaka), District- East Champaran
2. SABILA KHATOON WIFE OF SADIQUE MIAN Resident of Village- Sapahi, Daudnagar, P.S.- Pachpakri O.P. (Dhaka), District- East Champaran
3. SADRE ALAM S/O SADIQUE MIAN Resident of Village- Sapahi, Daudnagar, P.S.- Pachpakri O.P. (Dhaka), District- East Champaran
4. AZAD MIAN S/O SADIQUE MIAN Resident of Village- Sapahi, Daudnagar, P.S.- Pachpakri O.P. (Dhaka), District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sabila Khatoon Sadique Mian Sapahi Daudnagar
3. Sadre Alam Sadique Mian Sahaphi Daudnagar
4. Azad Mian Sadique Mian Sapahi Daudnagar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Dhaka (Pachpakri O.P.) P.S. Case No. 292 of
2022 under sections 147, 324, 308, 323 of the Indian Penal
Code.



As per the prosecution story, the allegation against the petitioners are that they were constructing their house over the 'Chhajja' of the informant and upon protest, allegation is that the petitioner no.2 Sabila Khatoon gave 'Garasha' blow to the informant's daughter causing injury on her head and she fell down after being unconscious. She was immediately taken to Referral hospital, Dhaka for the treatment. Accordingly, the FIR.

Learned counsel for the petitioners submit this is a matter of case and counter case, their case being earlier one in which injuries sustained by both sides.

Further submission is that so far as the injury on the head of the daughter of the informant is concerned, a perusal of the learned Sessions Judge's order would show that the same has been found to be simple in nature and irrespective of result of the case, as a medical assistance, they would like to contribute Rs. 15,000/- to the injured, Nur Shaba through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

The learned APP on the other hand opposes the prayer stating that the petitioner no.2 Sabila Khatoon gave 'Garasha' blow causing injury to the informant's daughter.



Taking into account the aforesaid fact that omnibus allegation is against the other accused persons, although, against petitioner no.2, there is allegation of assault, she being the lady, do not not have criminal antecedent and the injury has been found to be simple in nature, this Court would like to extend them the privilege of anticipatory bail subject to payment of Rs. 15,000/- as stated above and conditions as under.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be visiting the concerned police station for next six months every fortnight;

(iii) the petitioners shall leave district for three months and upon return shall the concerned police station for next six months every fortnight;

(iv) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required;

(v) if the petitioners fail to adhere to the undertaking given herein above, the appropriate steps may be taken by concerned party for the cancellation of bai;

(vi) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sikrahna at Dhaka, in connection with Dhaka (Pachpakri O.P.) P.S. Case No. 292 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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