

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58838 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- MANIYARI District- Muzaffarpur

1. Lal Mohammad Son of Late Habib Miya R/o vill - Mohammadpur Mobarak, P.S. - Maniyari, Distt. - Muzaffarpur
2. Sahid Son of Lal Mohammad R/o vill - Mohammadpur Mobarak, P.S. - Maniyari, Distt. - Muzaffarpur
3. Raushan Khatoon Wife of Noor Mohammad R/o vill - Mohammadpur Mobarak, P.S. - Maniyari, Distt. - Muzaffarpur
4. Zubaida Khatoon Wife of Late Rahis @ Md. Rahim R/o vill - Mohammadpur Mobarak, P.S. - Maniyari, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Maniyari P.S. Case No. 349 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the informant was at her house, in the meantime, all the FIR named accused persons, including the petitioners, came there and started abusing her. It is specifically



alleged that when the informant protested thereupon, co-accused Makula Khatoon pushed her down by catching her hair and assaulted with *Hasuli* on her neck. The petitioner no. 1 assaulted her by means of stones, whereas petitioner no. 2 assaulted her by means of *Chaila* (Wood), Raushan Khatoon and Zubaida Khatoon wrapped a *dupatta* on her neck and tried to strangle.

4. Learned counsel appearing on behalf of the petitioners submits that both the parties are neighbours and with regard to an occurrence which took place on 24.10.2022, the present FIR has been instituted on 26.10.2022. That apart, the injury report which is part of the FIR, that is also suggestive of the fact that no injury has sustained, rather it suggest only pain in the whole body and certain medicines have been prescribed. He next submitted that even as per the FIR, if the allegation taken to be true, no offence much less under Section 307 of the Indian Penal Code is made out and so far the allegation of theft is concerned, it has been attributed against Rahish and Sahid, which is a general and omnibus allegation. He lastly submits that all the petitioners are persons of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceedings of the Court.



5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the delay in lodging of the FIR, coupled with the factum of no injury, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (West) in connection with Maniyari P.S. Case No. 349 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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