

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62901 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- BALIYA District- Begusarai

1. Md. Shakil, Son of Md. Mustafa, R/o vill - Lakhminian Kating, ward no. 25, Nagar Parishad Baliya, P.s. - Baliya, Distt. - Begusarai
2. Mustari Khatun, W/o Md. Shakil, R/o vill - Lakhminian Kating, ward no. 25, Nagar Parishad Baliya, P.s. - Baliya, Distt. - Begusarai
3. Md. Afzal, Son of Md. Shakil R/o vill - Lakhminian Kating, ward no. 25, Nagar Parishad Baliya, P.s. - Baliya, Distt. - Begusarai
4. Md. Kadir, Son of Md. Shakil R/o vill - Lakhminian Kating, ward no. 25, Nagar Parishad Baliya, P.s. - Baliya, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Rajesh Ranjan, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Balia P.S. Case No. 29 of 2023, registered for the offences punishable under Sections 341, 323, 504, 354, 379 and 34 of the Indian Penal Code.

3. It is alleged that while the informant was in her house, in the meanwhile all the accused-petitioners armed with lathi, danda and iron rod entered into her house and started



abusing. On the exhortation made by the petitioner no 1, the petitioner nos. 3 and 4 assaulted the informant by means of lathi. Further allegation has been leveled against petitioner no. 2 that she had stealthily taken away cash of Rs. 10,000/- and a golden ring. The allegation of molestation has also been leveled against the petitioner no. 3.

4. Learned counsel appearing on behalf of the petitioners submits that the reason behind the said occurrence, as has been narrated in the F.I.R., shows the genesis of the case and moreover the occurrence which allegedly took place on 26.01.2023, the F.I.R. has been instituted on 01.02.2023, after a delay of five days and the same has not even been explained. He further submitted that there is a counter version of the present case, being Complaint Case no. 155 (c) of 2023 instituted by the petitioner no. 1 against the informant and her family members on 30.01.2023 itself. He next submits that so far as the injury is concerned, the same is simple in nature and thus this is the reason as to why the same has not been discussed in the impugned order. He lastly submits that the petitioners are persons of fair antecedent and they are next door neighbor and they undertake that they will not indulge in such type of crime in future.



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 delay in lodging of the F.I.R., coupled with the nature of injury and fair antecedent, 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 Court of Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 29 of 2023, 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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