

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64204 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- CHHATAPUR District- Supaul

1. JALUDA KHATOON @ BIBI JALUDA Wife of Abdul Kiyum R/V- Mohanpur (Katahara), P.S- Chhatapur, Dist- Supaul
2. Md. Ikram @ Ikram Son of Abdul Kiyum R/V- Mohanpur (Katahara), P.S- Chhatapur, Dist- Supaul
3. Md. Parwez Son of Late Md. Wajul @ VAJUL HAQUE R/V- Mohanpur (Katahara), P.S- Chhatapur, Dist- Supaul
4. Sajda Khatoon @ Bibi Sajda Khatoon Wife of Md. Kasim R/V- Mohanpur (Katahara), P.S- Chhatapur, Dist- Supaul
5. Md. Imran Ahmad @ Md. Imran Son of Md. Kasim R/V- Mohanpur (Katahara), 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. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-02-2023 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 a case registered for the offences punishable u/s 341, 323, 324, 325, 307, 379, 354B, 504 and 506 read with section 34 of the Indian Penal Code.

As per the prosecution case, the informant was



constructing the wall, in the meantime the co-accused persons Abdul Kayum, Md. Rubbin, Md. Ikrar and Md. Farkan started assaulting with fists and slaps and Md. Rubbin assaulted on the head of the informant with intent to kill which hit his hand causing fractured injury. When the informant's mother came to rescue him, the petitioners and the co-accused persons started assaulting her with iron rod indiscriminately. When the brother-in-law of the informant came to rescue him, he was also assaulted by Md. Vokil with *farsa*. When the informant's sister came to rescue, all the accused persons also assaulted her and when the cousin sister came to rescue, she was also assaulted by Md. Imram and tried to outrage her modesty. When his uncle came to rescue, he was also assaulted severely. In the meantime Md. Farkan snatched Rs. 5,000 /- from his uncle.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel further submitted that all the injured persons sustained simple injuries caused by hard and blunt substance. The injured persons Shabiha Naj, Bibi Rabia, Rahat Parveen, Md. Junaid and Abdul Rahman sustained injuries which are on non-vital parts of the body. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the



case as well as the injuries being simple in nature, 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-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Supaul in connection with Chhatarpur P.S. Case No. 170 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following condition:-

1. The court below shall verify the criminal antecedents of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

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