

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70960 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- AMAUR District- Purnia

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1. Eklakh @ Ekhlaque Son Of Phatkan
 2. Nurshadi Wife Of Munna Ansari
- Both Resident Of Village And P.S. - Amour, District - Purnea
- Petitioner/s
- Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Rashid Alam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Amour P.S. Case No.93 of 2023, F.I.R. dated 15.03.2023 registered for the offence punishable under Sections 149, 341, 323, 379, 307 and later on Section 302 of the IPC has been added.

3. As per prosecution case, on the alleged date and time of the occurrence, these petitioners, along with other accused persons, are alleged to have assaulted the informant by fists and slaps and in course of assault, co-accused Munna



Ansari hit wife of the informant on the head with *khanti* and badly injured her, as a result, she died during course of treatment in Sadar hospital.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that the FIR is in two parts. In first part there is general and omnibus allegations against all the accused persons including these petitioners and in second part the specific allegation of assault is attributed against the co-accused person, namely, Munna Ansari who had assaulted with 'Khanti' to the wife of the informant and she had died during course of treatment. Further submits that there is no accusation of any assault or overt act is attributed against the petitioners, and the petitioners are son-in-law and wife of co-accused Munna Ansari. Further submits that similar situate co-accused persons, namely, Jahagir and Ujala @ Ujala Khatoon have been granted privilege of anticipatory bail vide order dated 18.08.2023 in Cr. Misc. No.51224 of 2023.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Amour P.S. Case No.93 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of anticipatory 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.

(Rajesh Kumar Verma, J)

Prakash Narayan

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