

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65488 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- SIKTI District- Araria

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1. SADDAM Son of Dukhaye Khan R/v- Padaria Khan Tola, Ward No. 12, P.S.- Sikty, District- Araria
 2. HADISH @ MD. HADIS @ MD. HADIS Son of Dukhaye Khan R/v- Padaria Khan Tola, Ward No. 12, P.S.- Sikty, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 324, 325, 379, 354 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, petitioner No.1 assaulted Rukhsana Khatoon with Farsa on her head whereas petitioner No.2 assaulted Afsana Khatoon on her head with sword.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. Allegation of assault against the petitioners is general and omnibus. Petitioners have got clean antecedent.



Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that injury of Afsana Khatoon was found to be grievous in nature whereas injury of Rukhsana Khatoon was found to be simple in nature.

Taking into consideration the fact that petitioner No.2, Hadis, assaulted Afsana Khatoon with sword on her head causing grievous injury, his prayer for anticipatory bail is refused.

Considering the fact that petitioner No.1 assaulted Rukhsana Khatoon causing simple injury, his prayer for anticipatory bail is allowed.

Let the petitioner No.1, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub divisional Judicial Magistrate, Araria in connection with Sikty PS case No. 171/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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