

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68383 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- CHHAURADANO District- East
Champaran

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1. SK. FIRDOS @ FIRDOS ALI Son of Sk. Farmood @ Farmood Alam Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 2. Sagufta Noori Daughter of Sk. Farmood @ Farmood Alam Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 3. Majmun Nesha @ Majbun Nesha @ Magrimun Nesha Wife of Sk. Farmood @ Farmood Alam Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 4. Sk. Mahmud Alam @ Mahmod Alam Son of Sk. Mustak @ Mustak Alam Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 5. Sk. Mustak @ Mustak Alam Son of Sk. Sakur Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 6. Khusboo Nesha @ Khusboon Nesha Wife of Firdos @ Firdos Ali Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 7. Ruksana @ Roksana Khatoon Wife of Mustak @ Mustak Alam Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.
 8. Muslim Son of Late Abdul Majeed Resident of Village - Samrshiya, P.S.- Chhauradano, District - East Champaan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.



The accused/petitioners are named in F.I.R and apprehending their arrest in connection with Chhauradano P. S. Case No. 197 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against above named petitioners, as per FIR, is to assault informant and others by means of iron rod causing head injury and also to snatch cash and ornaments, during the course of occurrence, it appears as per narration of FIR that accused persons are in-laws of the informant.

Learned counsel appearing on behalf of the petitioners submitted that petitioners were implicated falsely in the present case out of matrimonial discord, where mother of petitioner no. 2 lodged a case against informant which has been registered as Chhoradano P. S. Case No. 183 of 2022. It is submitted that petitioner no. 2 is the wife of the informant. It is submitted that injuries as alleged are simple in nature, which is not sufficient to cause death of informant under ordinary course of nature and, as such, it can be safely gathered that petitioners were not under intention to cause death of the informant. While concluding the argument, it is submitted that allegation to cause head injury is available specifically against co-accused, namely, Hajarat Alam



and Sheikh Farmud, who are not the petitioners for the present and, moreover, the above named petitioners are of clean antecedent except petitioner no. 3, who found involved in one criminal case, where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as allegation as regard to cause head injury is not available against above named petitioners coupled with the fact that the nature of injury of informant is appearing simple in nature, let above named petitioners, in the event of their arrest or surrender within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Vith, Raxaul at Motihari, East Champaran/concerned Court, in connection with Chhauradano P. S. Case No. 197 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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