

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74289 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- FORBESGANJ District- Araria

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JAHIR @ MD. JAHIR SON OF BILLAT @ MD. BILLAT @ MD. HALIM
R/O VILLAGE- MIRZAPUR KOTHI, PATWA TOLA, WARD NO. 17, P.S.-
SIMRAHA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr.Lalan Kumar, APP
For informant	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Forbesganj (Simraha) PS case no. 145 of 2023,
disclosing offences punishable under Section 354(B)and other
allied sections of the Indian Penal Code.
3. At the outset, learned counsel for the petitioner
seeks permission to correct/ delete Section 302 of the Indian
Penal Code. Permission so sought, is granted.
4. The prosecution story, in brief, is that on
15.02.2023, the son of the informant had gone to the house of
Md. Seraj and when the informant went to take him back, all the
accused persons totaling 07 in number including the petitioner



brutally assaulted the informant with lathi, sword, iron rod etc., due to which, she sustained head injury. On alarm, informant's mother came there to save her, accused persons also assaulted her mother. The petitioner, thereafter, torn the clothes of informant and disrobed her and snatched golden chain from the neck of the informant.

5. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to previous dispute between the parties. He further submits that informant is the wife of younger brother of the petitioner and there is marriage discord between husband and wife. He next submits that a case under Section 498A I.P.C. was lodged by the informant against petitioner's brother including petitioner and other family members and the allegation of disrobing the informant's mother is concocted and ornamental. He also submits that learned Sessions Judge has granted bail to the similarly situated accused persons but has rejected the bail application of the petitioner having similar allegation. Lastly, it is submitted that the allegation against the petitioner along with other accused persons is general and omnibus.

6. On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail and



submits that the injury caused to the informant has been found to be grievous, by the doctor. He further submits that the allegation of assault and disrobing the informant's mother is only upon the petitioner and not upon the co-accused persons, who have been granted bail by the learned Sessions Judge.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is previous dispute between the parties, the petitioner is the elder brother of the husband of the informant, informant has also lodged a case against her husband and his family members and allegation of assault against the petitioner and other accused persons are general and omnibus in nature and two similarly situated co-accused persons have already been granted bail by learned Sessions Judge, I am inclined to grant the privilege of anticipatory bail to the petitioner.

8. This application is, accordingly, allowed.

9. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) PS case no. 145 of 2023,



subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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