

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72619 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- JALE District- Darbhanga

1. Md. Gulab @ Gulab Son of Late Abdul Sattar R/V- Jalley, P.S- Jalley, Dist- Darbhanga
2. Md. Irshad son of Md. Gulab R/V- Jalley, P.S- Jalley, Dist- Darbhanga
3. Shabana Khatun Wife of Md. Gulab R/V- Jalley, P.S- Jalley, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate.

For the Opposite Party/s : Mr. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Mazharul Hassan, learned counsel for the petitioner and learned APP for the State.

Petitioners are apprehending their arrest in connection with Jalley P.S. Case No.142 of 2020, for the offences registered under Sections 341, 323, 324, 354, 379, 447, 448, 504 and 506/34 of the Indian Penal Code.

It is alleged that on account of some disconnection of the electric line some altercation took place between the parties, whereupon, all the petitioners assaulted the informant and tried to outrage the modesty of the informant. It is further alleged that due to aforesaid assault, the informant and her son had sustained injuries.



Learned counsel appearing on behalf of the petitioners submits that both the parties are their own *Gotiya* and on account of some trifling matter free fight has taken place, which resulted into injuries to the informant and her son. However, from the impugned order, it appears that all the injuries are simple in nature except one, the opinion of which is kept reserved till date. Further submission has been made that the occurrence took place on 25.08.2020, but the present FIR has been instituted on 09.09.2020 and no explanation, whatsoever, has been assigned for the delay. Apart from the fact that the petitioners having fair antecedent and are giving undertaking that they will not indulge in such type of dispute in future.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against all the three petitioners.

Regard being had to the submissions made on behalf of the parties and considering the close relationship between the parties and the nature of injuries coupled with the delay in lodging of the FIR, let the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a



copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Darbhanga, in connection with Jalley P.S. Case No.142 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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