

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73829 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

1. Bibi Juhi @ Jahira Khatoon Wife of Md. Shamsher Resident of Village - Chhoti Railway Line Jhoparpatti, Barahpura, P.S.- Ishakchak, District - Bhagalpur.
2. Md. Chhotu Son of Md. Shamsher @ Md. Sakram Resident of Village - Chhoti Railway Line Jhoparpatti, Barahpura, P.S.- Ishakchak, District - Bhagalpur.
3. Md. Dabur @ Md. Dabur Ali @ Aslam Son of Md. Aslam Resident of Village - Chhoti Railway Line Jhoparpatti, Barahpura, P.S.- Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Satish Chandra Mishra, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned APP for the State.

The petitioners apprehend their arrest in connection with Ishakchak P.S.Case No. 68 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 and 509 of the Indian Penal Code.

It is alleged that younger brother of the informant Md. Ramzani and son-in-law of Md. Samsher collided with each other due to which some altercation took place and, thereafter,



all the FIR named accused persons including the petitioner surrounded the brother of the informant and brutally assaulted due to which he sustained head injury and taken to the hospital for treatment.

Submission has been made that from the FIR, it is evident that general and omnibus allegation has been levelled against all the accused persons, apart from the fact that the injury report also does not corroborate the prosecution case, inasmuch as only one injury has been found on the head of the brother of the informant. However, the same is said to be grievous in nature. He next submitted that the falsity of the case is also evident from the fact that even the female member of the petitioner's family has been made accused in this case. He fairly submitted that the other co-accused persons have been allowed regular bail by the learned Co-ordinate Bench of this Court.

On the other hand, learned counsel for the State opposed the bail application and submitted that since other co-accused persons have been allowed regular bail, the petitioner may be given liberty to surrender and seek regular bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner no.1 is



a lady and has also been made accused in this case without any specific allegation, apart from her fair antecedent, let the petitioner no.1 Bibi Juhi @ Jahira Khatoon, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Bhagalpur in connection with Ishakchak P.S.Case No. 68 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far the petitioner nos.2 and 3 are concerned, this Court is not conceded to their prayer for pre-arrest bail. Accordingly, their prayer is rejected with a liberty to surrender before the court below within a period of four weeks and seek regular bail.

If they do so, their prayer shall be considered without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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