

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1141 of 2023

Arising Out of PS. Case No.-466 Year-2018 Thana- HARSIDHI District- East Champaran

1. Tuna Miya @ Sanauwar Alam @ Tunna Mian @ Sanawar Son of Gaji Miya Resident of Village- Ghiwadhar, P.O.- Harsidhi, P.S.- Harsidhi, District- East Champaran
2. Wajir Miya @ Wajir Alam Son of Gaji Miya Resident of Village- Ghiwadhar, P.O.- Harsidhi, P.S.- Harsidhi, District- East Champaran
3. Ruby Khatoon @ Ruby Khatin @ Rubi Khatoon D/O Gaji Miya Resident of Village- Ghiwadhar, P.O.- Harsidhi, P.S.- Harsidhi, District- East Champaran
4. Aasma Khatoon @ Ashma Khatoon Wife of Gaji Miya Resident of Village- Ghiwadhar, P.O.- Harsidhi, P.S.- Harsidhi, District- East Champaran
5. Mehrun Nesha @ Amina Khatoon Wife of Reyaj Miya Resident of Village- Chanainbandh, Ward No.-11, P.O.- Harnawa, P.S.- Majhouliya, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Harsidhi P.S. Case No. 466 of 2018 registered for the offences punishable under Sections 341, 323, 324, 336, 337, 379, 435/34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 05.11.2018 at about 04:00 P.M., Aashma Khatoon (petitioner no. 4) came at the door of the informant and started abusing him for filling of soil and when



the informant raised objection, Tunnu Miya (petitioner no. 1) and Wajir Miya (petitioner no. 2) started pelting stone on the informant. Thereafter, all the FIR named accused persons including these petitioners started assaulting the informant with lathi and danda. When the mother of the informant came to rescue him, petitioner no. 1 grabbed her hair, dashed her on the ground and gave khanti blow. Thereafter, on the order of Aashma Khatoon, Wajir Miya set the house of the informant on fire by pouring kerosene oil as a result of which articles worth Rs.60,000/- and cash Rs.20,000/- got burnt.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there are general and omnibus kind of allegations and the injuries are simple in nature.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the submission that both the parties are fighting civil disputes in Title Suit No. 131 of 2018 pending in the court of learned Sub-Judge, Areraj, East Champaran, the injuries of all the three injured persons are simple in nature, the petitioners have otherwise no criminal antecedents, in the circumstances, this Court directs release of the petitioners above named on bail in the event of their



arrest or surrender within a period of four weeks from today in connection with Harsidhi P.S. Case No. 466 of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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