

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4221 of 2023

Arising Out of PS. Case No.-337 Year-2022 Thana- ROHTAS District- Rohtas

1. MD FIROZ KHAN Son of Late Moien Khan R/V- Kerpa P.O and P.S- Amjhore, Dist- Rohtas
2. Chanda Bibi Wife of Md. Firoz Khan R/V- Kerpa P.O and P.S- Amjhore, Dist- Rohtas
3. Nagma Bibi @ Nagama Pravin Wife of Sadam Khan R/V- Kerpa P.O and P.S- Amjhore, Dist- Rohtas
4. Ophi Bibi @ Ophiya Bibi Wife of Late Moein Khan R/V- Kerpa P.O and P.S- Amjhore, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks not to press the present petition *qua* the petitioner no. 1, however, seeks a direction upon the learned trial court to consider the case of the petitioner no. 1 for grant of regular bail, upon him surrendering before the learned court below, and pass appropriate orders on the very same day.

Accordingly, the present petition *qua* the petitioner no. 1 stands dismissed as not pressed, however with a direction to the learned court of S.D.J.M., Dehri-On-Sone, Rohtas to consider



and dispose off the regular bail petition, to be filed by the petitioner no. 1, on the very same day of filing of the same, in case the petitioner no. 1 surrenders and files the same within a period of four weeks from today.

This is an application for grant of anticipatory bail in connection with Rohtas (Amjhara) PS case no. 337 of 2022, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The accusation is regarding the accused persons, belonging to the family of the in-laws' house of the brother of the informant having entered inside the house, whereafter petitioners no. 1, 2 and 4 are alleged to have assaulted the informant and his family members, resulting in them sustaining injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioners no. 2 to 4 are concerned, there is no allegation of them having engaged in any sort of specific overt act and they have been falsely implicated in the present case on account of matrimonial dispute existing in between the daughter of the petitioner no. 1 and the brother of the informant, who are husband and wife.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that petitioners no. 2 to 4, who are ladies and have not been alleged to have engaged in any sort of overt act, I deem it fit and appropriate to the petitioners no. 2 to 4 to the privilege of anticipatory bail.

Accordingly, petitioners no. 2 to 4, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Dehri-On-Sone, Rohtas in connection with Rohtas (Amjhara) PS case no. 337 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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