

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.229 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. SATTAR ALI @ SATTAR ANSARI S/O Late Sarajauddin Mian R/O Village- Gidahan, P.S- Phulwaria (O.P Sripur), District- Gopalganj
2. Gaffar Ali @ Gaffar Mian S/O Late Sarajauddin Mian R/O Village- Gidahan, P.S- Phulwaria (O.P Sripur), District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Phulwaria Police Station Case No. 316 of 2022, dated 18.07.2022, disclosing offences under Sections 341/323/302/504/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that on 17.07.2022, at about 09:30 PM, the petitioners, along with other co-accused persons, were constructing parapet (chajja) and upon protest being made by the informant, all the accused persons, eight in number, became furious and started abusing and one of the co-accused, namely,



Muskan Khatoon, assaulted on the head of the informant's wife, namely, Isarbano Khatoon, by means of lathi, due to which she sustained injury and died.

Learned Counsel for the petitioner submits that the petitioners have falsely been implicated in this case due to dispute regarding construction of chajja. He next submits that from perusal of the First Information Report, it would be evident that the allegation of assault is not upon the petitioners; rather, the same is upon co-accused Muskan Khatoon. Referring to the post mortem examination report (Annexure 2), he submits that the doctor did not find any external injury over the body of the deceased and the opinion regarding the cause of death has been reserved.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the allegation of assault is not upon the petitioners; rather, the same is upon co-accused Muskan Khatoon and the allegation made in the First Information Report is not supported by the post mortem examination report, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of



their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 16th Additional Chief Judicial Magistrate, Gopalganj, in connection with Phulwaria Police Station Case No. 316 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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