

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6950 of 2024

Arising Out of PS. Case No.-254 Year-2023 Thana- BALIYA District- Begusarai

1. Md. Zafar @ Md. Jafar, Son of Late Md. Wakil, R/o vill - Chhoti Balia, Saidanchak, ward no. 7, P.S. - Balia, Distt. - Begusarai
2. Tamanna Khatoon, D/o Late Md. Wakil, R/o vill - Chhoti Balia, Saidanchak, ward no. 7, P.S. - Balia, Distt. - Begusarai
3. Salma Khatoon, D/o Late Md. Wakil, R/o vill - Chhoti Balia, Saidanchak, ward no. 7, P.S. - Balia, Distt. - Begusarai
4. Shabnam Khatoon, D/o Late Md. Wakil, R/o vill - Chhoti Balia, Saidanchak, ward no. 7, P.S. - Balia, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Fazle Karim, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Nakul Kr. Jamuar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Balia P.S. Case No. 254 of 2023, registered for the offences under Sections 147, 341, 323, 324, 504, 307, 379 and 506 of the Indian Penal Code and Section 3/4 of the Daain Act.

3. As per prosecution case, petitioners and other co-accused persons, who were variously armed with *lathi*, *danda* and iron rod, came to the doors of the informant and called his



mother witch and started assaulting her. They also assaulted the informant on his head and snatched a gold chain worth of Rs. 50,000/- from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case has been lodged due to previous enmity and both the parties are agnates. In fact, the prosecution party assaulted the petitioners' family and sister of petitioners lodged Balia P.S. Case No. 255 of 2023 for the said occurrence against the informant and others. Learned counsel further submits that the FIR has been lodged after delay of three days and there is no explanation for the same. Further, there is no specific allegation of assault against the petitioners and allegation of theft is ornamental. Learned counsel further submits that the injury report of the mother of the informant shows merely an abrasion and she was examined on 04.09.2023 whereas the occurrence is stated to have taken place on 05.09.2023 which falsifies the prosecution case. Further injury report of the informant is on record which shows two lacerated wounds over the occipital and parietal region apart from abrasion and swelling but the allegation of assault on the informant is against co-accused Md. Samsul and Md. Saddam. Petitioners are having clean



antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that in the assault of the petitioners, a number of injuries were received by the informant and his mother.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties in the background of previous enmity and further considering the non-specific nature of allegation against the petitioners and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Balia P.S. Case No. 254 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the



petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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