

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14390 of 2024

Arising Out of PS. Case No.-529 Year-2023 Thana- MADHUBAN District- East Champaran

1. Gaffar Mansoori @ Gaffar Mian, Male, aged about 69 years, Son of Niyajaan Mansoori
 2. Bagari Khatoon @ Mainun Nesha, Female, aged about 75 years, Wife of Gaffar Mansoori
 3. Samina Khatoon, Female, aged about 49 years, Wife of Sabir Mansoori
 4. Sagir Mansoori @ Md. Sabir @ Md. Sabir Mansuri @ Md. Sagir, Male, aged about 50 years, Son of Gaffar Mansoori
 5. Nimori Khatoon @ Mariam Khatoon, Female, aged about 35 years, Wife of Younus Mansoori
 6. Khushboo Khatoon, Female, aged about 28 years, Wife of Tabrez Mansoori
- All are Residents of Jitaura, Police Station - Madhuban, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-03-2024 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Zainul Abedin, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Madhuban P.S. Case No. 529 of 2023, G.R. Case No. 6575 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504 and 506/34



of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with other accused persons had assaulted the informant and her husband and had also outraged the modesty of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that husband of the informant had sustained injury on the vital part of the body, which, according to opinion of the doctor is simple in nature. So far as, injury sustained by the informant is concerned, opinion of the doctor is still awaited, which may have been caused in course of fierce fight in self defence by the petitioner without intention. The allegation that the petitioners had outraged the modesty of the informant is not substantiated with any evidence. There is case and counter case between the parties with respect to the said incidence. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf



of the parties, as well as, the allegation made in the FIR and injury report, which has been brought along with the bail application by way of 'Annexure-3', from which it appears that the injury sustained by the husband of the informant is simple in nature and caused by hard and blunt substance, which may have been caused in course of fierce fight in self defence. There is case and counter case between the parties with respect to the said incidence. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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, in connection with Madhuban P.S. Case No. 529 of 2023, G.R. Case No. 6575 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioners as what has been stated in paragraph
no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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