

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32413 of 2024

Arising Out of PS. Case No.-905 Year-2023 Thana- SIKARPUR District- West Champaran

1. HASAN TARA KHATOON WIFE OF MOHAMDDIN MIAN @ MAHMADDIN MIYA RESIDENT OF VILLAGE - BELBANIYA, P.S. - SHIKARPUR, DISTRICT - WEST CHAMPARAN
2. MOBINA KHATOON WIFE OF SALAUDDIN MIAN RESIDENT OF VILLAGE - BELBANIYA, P.S. - SHIKARPUR, DISTRICT - WEST CHAMPARAN
3. RAHJANNAT KHATOON WIFE OF ALLAUDDIN MIAN RESIDENT OF VILLAGE - BELBANIYA, P.S. - SHIKARPUR, DISTRICT - WEST CHAMPARAN
4. DHERI MIAN @ DHEDHI MIAN SON OF MOHAMDDIN MIAN RESIDENT OF VILLAGE - BELBANIYA, P.S. - SHIKARPUR, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the informant	:	Mr. Sarvesh Kashyap, Advocate
		Mr. Deepak Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 149, 341 , 323 , 302, 307 and 34 of the Indian Penal Code .

3. As per the prosecution case, children of informant got into quarrel with the children of the co-accused, which was pacified by the *Panchayat*, after that the co-accused along with these petitioners armed with weapons came to informant's door



and abused and assaulted the informant, when informant's wife came to rescue, then the co-accused persons namely *Mahamdeen Mian* and *Sallauddin Mian* assaulted her mercilessly as a result of which she died.

4. It is submitted on behalf of the petitioners that they have falsely been implicated in this case . From bare perusal of the F.I.R., it is apparent that on a trivial issue relating to a quarrel between the children of both the parties an altercation took place between them. Specific allegation of assault is against co-accused persons namely *Mahamdeen Mian* and *Sallauddin Mian* who assaulted the deceased (wife of the informant) on her head by means of iron rod due to which deceased sustained head injury and during course of the treatment died. So far as these petitioners are concerned, there is general and omnibus allegation against them and no specific overt act is alleged against them. Petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 the learned CJM , Bettiah , West Champaran in connection with Shikarpur P.S. Case No. 905 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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