

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33727 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- PALIGANJ District- Patna

1. Reshma Khatoon Wife of Anwar Ansari R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna
2. Nurjahan Khatoon Wife of Md Murshlim Ansari @ Md. Mushlim Ansari R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna
3. Dalima Khatoon @ Halima Khatoon Wife of Md Akhtar Ansari R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna
4. Shajahan Khatoon @ Shahjahan Khatoon Wife of Jubair Ansari R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna
5. Sanjida Khatoon Wife of Nesamuddin Ansari R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna
6. Md Akhtar Ansari @ Akhtar Ansari Son of Md Ganauri Miyan @ Ganauri Miyan R/O Vill.- Chhitar Bigaha, P.S.- Paliganj, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-05-2024 Heard Ld. counsel for the petitioners and

Ld. APP for the State.

2. The petitioners apprehend their arrest in connection with Paliganj P.S. Case No. 588 of 2023 dated 11.11.2023, registered for the offences punishable under Section 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, there is allegation of assault to the informant by means of a *garasa* and sword against



the petitioner no.6 and two other co-accused persons, due to which, the informant fell down. In the meantime, all the petitioners including other accused persons assaulted the informant on his head.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the accused and informant side are agnates and alleged occurrence had taken place on account of property dispute. There was free fight and both the sides have received injuries and hence, F.I.R. has been lodged by both sides and petitioner no.6 has lodged Paliganj P.S. Case No. 599 of 2023 dated 18.11.2023 under Section 307 besides other sections of the Indian Penal Code against the informant side.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent, except petitioner no.5 has one criminal antecedent, in which he is on bail.

6. It is also stated in paragraph no. 2 of the petition that petitioners have never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for anticipatory bail.



8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioners above named, to be enlarged on bail in the event of their arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Sub-Divisional Judicial Magistrate, Danapur at Patna, in connection with Paliganj P.S. Case No. 588 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioners have any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioners.

(Jitendra Kumar, J.)

S.Ali/Shailendra

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