

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.34419 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- RAMGARHWA District- East
Champaran

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1. Afasana Khatoon Wife of S.K. Ansarul Haque @ Ansarul Haque Resident of Village - Baishakhawa, P.S.- Gopalpur, District - West Champaran.
 2. Md. Junaid Alam @ Md. Junaid Son of S.K. Ansarul Haque @ Ansarul Haque Resident of Village - Baishakhawa, P.S.- Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 27-05-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Ramgadhwa Police Station Case No. 405 of 2023, dated 25.10.2023, disclosing offences under Sections 341/323/379/307/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 19.10.2023, at about 03:50 PM, all the accused persons, with common intention and armed with weapons, arrived at the house of the informant and



enquired about marriage of Mohd. Jahangir. Further, on the order of the petitioner no. 1, all the accused persons assaulted the informant and his wife and snatched ornaments and a sum of Rs. 75,000/- from the informant.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to malicious intention. According to him marriage of the daughter of the petitioner no. 1 was solemnized with the informant's brother, namely, Mohd. Jahangir. There was some marriage dispute between the husband and wife due to which the daughter of the petitioner no. 1, namely, Naziya Parveen, lodged a case, bearing Ramgadhwa Police Station Case No. 149 of 2018, under Sections 498-A and 34 of the Indian Penal Code, against the informant and others. He further submits that on the date of occurrence, the petitioners, on the information that Mohd. Jahangir is going to solemnize second marriage, arrived there and enquired into the matter, but, the side of the petitioners were assaulted for which Ramgadhwa Police Station Case No. 404 of 2023, dated 25.10.2023, was lodged by the petitioners side against the informant and others. Subsequently, as a



counterblast, the present First Information Report, bearing Ramgadhwa Police Station Case No. 405 of 2023, dated 25.10.2023, has been lodged by the informant on the basis of concocted story. The police investigated the matter and submitted final form exonerating the petitioners and others. However, learned Magistrate took cognizance against the petitioners and others without any material.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the allegation and counter allegation made between the parties and the fact that the daughter of the petitioner no. 1 was married to the informant's brother and there was marriage discord between them, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul at Motihari, in connection with Ramgadhwa Police Station Case No. 405 of 2023,



subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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