

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37579 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- FORBESGANJ District- Araria

1. Mahrun @ Shairun Khatoon Wife of Md. Islam Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.
2. Karina Khatoon @ Zarina Khatoon Wife of Md. Rafique Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.
3. Md. Rafique Son of Late Md. Fahim Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.
4. Md. Parwez Son of Md. Gias @ Sk. Giasuddin Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.
5. Md. Jahangir Son of Md. Gias @ Sk. Giasuddin Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.
6. Lalu @ Ashfaq Son of Md. Gias @ Sk. Giasuddin Resident of East Korheli Panchayat Majhua, Police Station - Forbisganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dolti Devi Wife of Ramchandra Das Resident of Training School Chawk, Ward No.- 21, Police Station - Forbisganj, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Forbesganj P.S. Case No. 356 of 2023 dated 23.04.2023 instituted for the offence punishable under Section 306 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged



date of occurrence, the informant along with her husband and son went to the house of Md. Aslam and demanded Rs. 90,000/- which was the due amount of wage of her son for six months. Upon which the petitioners and other accused formed an unlawful assembly and started abusing and assaulted the informant, her husband and son. Leg of the informant's son was also broken. It is further alleged that due to the aforesaid occurrence caused by the accused persons, the informant's son committed suicide.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the date of incident is 10.04.2023, but the F.I.R. has been lodged on 23.04.2023 after delay of 12 days without any plausible explanation. There is a specific allegation against Md. Aslam, who had not given the due labour charge to the informant's son amounting to Rs. 90,000/-. There is no specific allegation against the petitioners rather the allegations against the petitioners are general and omnibus in nature. It is further stated that similarly situated co-accused namely, Md. Aslam, Md. Israfil and Md. Nasim have been granted bail *vide* order dated 20.07.2024 passed by this Court in Criminal Miscellaneous No. 43882 of 2024. Lastly, it



has been submitted that petitioner nos. 1, 2, 4 & 5 have two criminal cases against them whereas petitioner nos. 3 and 6 have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Forbesganj P.S. Case No. 356 of 2023, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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