

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41513 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- BANGAWON District- Saharsa

1. Md. Hadis @ Md. Hadish son of Md. Salauddin Village- Kamalpur W.No-13, Po- Bariyahi Bazar Ps- Bangaon Dist- Saharsa
2. Md. Zannat son of Md. Salauddin Village- Kamalpur W.No-13, Po- Bariyahi Bazar Ps- Bangaon Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 20-11-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Bangaon P.S. Case No. 102 of 2023 dated 02.09.2023 registered for the offence/s punishable u/ss 341, 323, 324, 307, 354A, 379, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have abused the informant's wife. On protest, the petitioner no.1 dragged her down on the earth by pulling her hair and also tore her clothes. When the informant's daughter, Nahida Praveen, came to rescue her, the



petitioner no.1 assaulted on her head with *Dabiya* which resulted in bleeding injury. The informant's father-in-law attempted to save her, the petitioner no.2 assaulted him with an iron rod on the hand. The co-accused Ruksana Khatun snatched golden chain worth Rs. 50,000/- from the neck of the informant's wife and also threatened her of dire consequences. On halla, nearby people came there and took the injured to Sadar Hospital, Saharsa in serious condition for treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 12.08.2023 but the FIR was lodged on 02.09.2023 and there is no explanation for this delay. There is no eye-witness of the alleged occurrence. There is land dispute between the parties. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The co-accused persons have been granted anticipatory bail by this Court vide order dated 05.02.2024 passed in Cr. Misc. No. 262 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that the specific allegation is against the petitioner no.1 who inflicted blow of *Dabiya* on the head of the informant's daughter which



is grievous in nature.

6. Considering the aforesaid facts and the circumstances of the case as well as the heinous nature of offence against the petitioners, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioners are directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of bail of the petitioners without being prejudiced by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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