

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65025 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- PIRO District- Bhojpur

1. Amjad Ali S/O Supan Miyan Resident of Village- Kitaura, P.S-Piro, District- Bhojpur.
2. Kaishar Khatoon @ Kaishar Bibi W/O Supan Miyan Resident of Village- Kitaura, P.S-Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Malti Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard Mrs. Malti Kumari, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending arrest in connection with Piro P.S. Case No. 76 of 2023 instituted under Sections 341, 323, 354(B), 307, 379/34 of the Indian Penal Code lodged on 23.02.2023 by the informant, Beby Khatoon.

3. As per the prosecution story, the informant alleged that her brother-in-law (Dewar), Supan Miyan came and started abusing her. Upon her protest, he tried to outrage her modesty. Further allegation is against the petitioner no.1 of giving iron rod blow while the sister-in-law (Gotni) and the petitioner no.2 also assaulted her. The allegation of removing gold chain and



taking away Rs. 30,000/- has been alleged which led to the FIR.

4. Learned counsel for the petitioners submit that the family dispute has been exaggerated, injury has been found to be simple in nature and there is counter version to the present case lodged by the petitioners' side. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner no.1 intends to contribute Rs.5000/- to the lady-informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP Mr. Jitendra Kumar Singh opposes the prayer stating that the petitioner no.1 has assaulted his 'Bhabhi'.

6. Though the allegation is there, injury has been found to be simple in nature, there is counter case also, both the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail. subject to payment of Rs.5000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.



7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Piro P.S. Case No. 76 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Bhojpur, Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

