

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SAHODARA District- West Champaran

1. Salman Mian, aged about 30 years, Male,
 2. Shabaj Mian @ Sahbaj Ansari, aged about 25 years, Male,
 3. Arbaj Mian @ Arbaj Alam, aged about 27 years,
All are son of Mushahar Mian
 4. Saru Khan @ Sharukh Khan, aged about 24 years, Male,
 5. Saheb Alam, aged about 22 years, Male,
Both son of Late Munna Mian
 6. Pinki Khatoon, aged about 25 years, Female, wife of Salman Mian,
 7. Kamrul Khatton @ Kamrul Nesha @ Kamrul Nes, aged about 55 years,
female, wife of Mushahar Mian,
 8. Mushahar Mian, aged about 58 years, Male, son of Late Hanif Mian,
 9. Rahima Khatoon, aged about 29 years, female, wife of Amir Khan,
 10. Khushbu Khatoon @ Khushbun Khatoon, aged about 25 years, Female, wife
of Saru Khan, and
 11. Sabnam Khatoon, aged about 22 years, Female, wife of Jamir Alam,
All resident of Village- Rajpur, PS- Sahodara Dist- West Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Sahodara PS Case No.15 of 2023 dated 05.02.2023, instituted
under Sections 341, 323, 354-B, 379, 504, 506/34 of the Indian
Penal Code.



3. The prosecution case, in brief, is that on the alleged date of occurrence when the informant was going to bring fodder for the cattle, all the accused persons surrounded her and started assaulting her. When her family members came to save her, the accused persons also assaulted them. It is alleged that petitioner Md. Salman Mian and Sahbaj Mian assaulted the informant with iron rod and tore her clothes. Petitioner Arbaj Mian pelted bricks and stones over Antaj Ansari causing injury to him. Petitioner Saru Khan gave a lathi blow on the face of the informant's father causing injury to him. It is also alleged that female accused persons snatched gold chain and nose pin of the informant. Petitioner Saheb and Mushar Mian snatched rupees twenty thousand from the informant's brother.

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 there is allegation of assault against petitioner nos. 1, 2, 3 and 4, but there is no injury report of any injured as would appear from the impugned order. It is further submitted that from the impugned order it appears that one Malik Mian has sustained fracture injury on his right hand, but there is no mention of Malik Mian in the FIR. The present case has been lodged after about five days of the occurrence.



Further submission is that the petitioners and the informant are co-villagers and petitioner no.10, Khushbu Khatoon, has lodged Sahodara PS Case No.11 of 2023 against the informant and his family members on the same day. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran, in Sahodara PS Case No.15 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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