

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73441 of 2023

Arising Out of PS. Case No.-93 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. SAKINA KHATOON W/o Anwar R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 2. Habib Khatoon W/o Jajul R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 3. Sheikh Jajul @ Sk. Jajul Son of Sk. Nonif R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 4. Noor Mohmad @ Noor Moammad Son of Monif R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 5. Serajul Son of S.K. Monif R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 6. Mansoor @ Mohammad Mansoor Son of SK. Monif R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 7. Sheikh Anwar @ Anwar Son of SK. Monif R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran
 8. Jeyaul @ Jiyaul Son of Anwar R/o vill - Balua Hasanpur, P.S. - Kundwa Chainpur, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zaki Haider, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 354, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners is that they



assaulted the informant brutally and pelted stones upon her due to which she sustained several injuries. Petitioner no.3 tried to outrage the modesty of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners and family members of the *mausi* of the informant are *pattidars* and there is admitted land dispute between them. There is case and counter case between both the parties. It is further submitted that petitioner-accused Sakina Khatoon, Habiba Khatoon, Mansoor and Anwar have been released on police bail and petitioner-accused Sk. Jajul, Serajul, Noor Mohammad and Jeyaul have not been sent up for trial, which is also evident from the impugned order. But later on, the learned Court below, differing with the charge sheet submitted by the police, has taken cognizance against all the petitioners under Section 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and therefore, now there is an apprehension that the petitioners may be arrested by the police at any time.



Petitioners have criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from bare perusal of record, it is evident that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kundwa Chainpur P.S. Case No. 93 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

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

