

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79126 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- ROSERA District- Samastipur

1. Md. Wasil @ Md. Wasir Son of Md. Sattar Resident of Village-Hiramiya , Police Station-Rosera, District Samastipur
3. Noor Jahan Khatoon Wife of Md. Sattar Resident of Village-Hiramiya , Police Station-Rosera, District Samastipur
4. Shahjadi Khatoon Wife of Md. Wasil @ Md. Wasir Resident of Village-Hiramiya , Police Station-Rosera, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratik, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Rosera PS case no. 287 of 2023, disclosing offences punishable under Section 354-A and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 03.05.2023 in the morning, the informant's aunt started abusing her and when objected, petitioner no. 1 assaulted her by khanti, petitioner no. 2 assaulted her by danda and petitioner no. 3 assaulted her by means of lathi and danda



and when the husband of the informant intervened, he was also assaulted by all accused persons by lathi and danda.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to long-standing dispute between the parties. Both parties are co-sharers and the present F.I.R. has been lodged as a counter-blast of Rosera PS Case No. 286 of 2023 lodged by petitioner no. 2 against the informant and others. Learned counsel further submits that the injuries caused to the informant are simple in nature and the doctor did not find any injury upon the person of the husband of the informant. He next submits that petitioners were given the benefit of Section 41-A Cr.P.C. during investigation and they co-operated the police during course of investigation. He also submits that cognizance of the offence has been taken under Sections 341, 323, 354, 504/34 of the Indian Penal Code, by the learned Magistrate and all the sections are bailable in nature except Section 354 of the Indian Penal Code, which is non-bailable. Lastly, he submits that the petitioners have apprehension of arrest upon surrender,

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is long-standing dispute between the parties, injuries



caused to the informant are simple in nature and the petitioners were given benefit of Section 41-A Cr.P.C. during course of investigation, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rosera in connection with Rosera PS case no. 287 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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