

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1225 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. Md. Zakir, aged about 49 years, Male, Son of Md. Gule Abbas.
2. Samina Khatoon, aged about 36 years, Female Wife of Md. Ali.
Both resident of Village- Nari Bhadawn, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Ghanshyampur PS Case No.33 of 2023 instituted for the offences punishable under Sections 308, 354A, 379, 341, 323, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, petitioners along with other co-accused abused and assaulted the informant and his wife with fists, slaps and *lathi* and also torn the cloth of the wife of informant, due to which she became naked.

4. Learned counsel for the petitioners submits that petitioners are quite innocent have been falsely implicated in



the case due to grudge, enmity and village politics. It is further submitted that petitioners have committed no offence as alleged by the informant and the entire allegation leveled against the petitioners are false, concocted and baseless. It has further submitted that no case under Sections 308 and 379 of the Indian Penal Code is made out against accused petitioners and other offences are bailable. From perusal of records, it appears that from the order of the learned Sessions Judge, Darbhanga, Camp Court, Benipur that three injuries have been found on the informant Shaukat Ali, all injuries are simple, caused by hard and blunt substance. There is delay of nine days from lodging of the FIR and no plausible explanation has been given in this regard. Petitioners have no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of their arrest or surrender before the Court below within six weeks from today, let the petitioners above named be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biraul,



Darbhanga in connection with Ghanshyampur PS Case No. 33 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure with condition that one of the bailors shall be close relative of the petitioners.

(Ramesh Chand Malviya, J)

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