

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1963 of 2024

Arising Out of PS. Case No.-629 Year-2020 Thana- MUFFASIL District- West Champaran

1. Ibrahim Dewan @ Ibrahim Shah Son of Late Islam Mian Resident of Village - Baritola, Police Station - Bettiah Mufassil, District- West Champaran.
2. Jhunni Khatoon @ Munni Khatoon Wife of Ibrahim Dewan Resident of Village - Baritola, Police Station - Bettiah Mufassil, District- West Champaran.
3. Noorain Dwan @ Noorain Shah Son of Late Sharif Dewan @ Late Md. Sharif Shah Resident of Village - Baritola, Police Station - Bettiah Mufassil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2 , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341 , 323 , 354(B), 379, 504 and 34 of the Indian Penal Code.

3. The prosecution case in brief is that on 21.09.20 at about 8:30 pm informant was sitting in front of the house of her daughter. In the mean time these petitioners along with all the accused persons named in the FIR armed with lathi, fatta came there and started abusing her and on protest by her, petitioner No. 1 Ibrahim Dewan caught her hair and assaulted her by fist



and kick and tried to outrage her modesty . Petitioner No. 2 Jhunni Khatoon took away a chain from her neck and when informant's grandson in law Md. Shahabuddin came to rescue her the co-accused accused Ali Akbar assaulted him with iron rod and took away rupees three thousand from his pocket.

4. It is submitted on behalf of the petitioners that from bare perusal of the FIR, it is apparent that due to an old enmity a simple scuffle took place between the parties. Though , there is allegation of assault to the informant and others but there is no injury report on the record. Rest of the allegations are super-addition to make the case grave . The alleged occurrence took place on 21.09.2020 but the FIR was lodged on 02.10.2020 i. e., after the delay of 11 days for which there is no explanation which itself creates doubt over the entire prosecution .

5. Learned counsel for the State oppose the bail petition.

6 Considering the delay in lodging the FIR and other circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 the Chief Judicial Magistrate , Bettiah , West



Champaran in connection with Bettiah Muffasil P.S. Case No.
629 of 2020, subject to the conditions laid down under section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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