

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2753 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- SINGHESHWAR District- Madhepura

1. Md. Masoom, S/O- Md. Irphan, R/O- Village- Gauripur, Ward No.- 10, P.S.- Singheshwar, Dist.- Madhepura.
2. Rukhsasna Praveen @ Ruksana Praveen, W/O- Md. Rizban, R/O- Village- Gauripur, Ward No.- 10, P.S.- Singheshwar, Dist.- Madhepura.
3. Md. Naeem, S/O- Md. Zahir Mian, R/O- Village- Gauripur, Ward No.- 10, P.S.- Singheshwar, Dist.- Madhepura.
4. Md. Izmamul, S/O- Md. Naeem, R/O- Village- Gauripur, Ward No.- 10, P.S.- Singheshwar, Dist.- Madhepura.
5. Halima Khatoon @ Madian Khatoon @ Halima, W/O- Md. Akbal, R/O- Village- Gauripur, Ward No.- 10, P.S.- Singheshwar, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Singheshwar P.S. Case No. 157 of 2023, registered on 10.06.2023 for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the informant and his family members after entering into his house. They also took away Rs,



2,14,000/- from the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners have been made accused along with 15 other co-accused persons and the prosecution story is absurd and improbable. There is case and counter case between the parties and father of petitioner no.2 lodged Singheshwar P.S. Case No. 158 of 2023 under Section 307, 379 and other allied sections of IPC against the informant and his family members. Allegations are general and omnibus and specific allegation is against co-accused Md. Rizwan for causing iron rod injury on the head of the informant and his wife. However, the injury reports show simple and non-serious injuries. Learned counsel further submits that the matter has been compromised between the parties and the affidavit has filed before the learned court below. From the facts of the case, no offence under Section 307 of IPC is made out against these petitioners. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



non-specific nature of allegations against the petitioners and further considering the non-serious nature of injuries coupled with case and counter case between the parties and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhepura/concerned court in connection with Singheshwar P.S. Case No. 157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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