

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68722 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- SIKARPUR District- West Champaran

1. Noorhoda Mian @ Noorulhoda Mian Son of Rahman Mian R/O Vill.- Kesariya, P.s.- Shikarpur, Dist.- West Champaran, Bettiah.
2. Noorjahan Khatoon Wife of Noorhoda Mian @ Noorulhoda Mian R/O Vill.- Kesariya, P.s.- Shikarpur, Dist.- West Champaran, Bettiah.
3. Soaalam Mian @ Md. Soaalam Son of Rahman Mian @ Abdul Rahman Mian R/O Vill.- Kesariya, P.s.- Shikarpur, Dist.- West Champaran, Bettiah.
4. Ajmulla Mian @ Md. Ajmullah Son of Noorhoda Mian @ Noorulhoda Mian R/O Vill.- Kesariya, P.s.- Shikarpur, Dist.- West Champaran, Bettiah.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shyam Sundar Kumar, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Shikarpur PS. Case No.05 of 2024 dated- 04.01.2024, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is that there is allegation of assaulting the informant and her family members, Sarfudding Mian and Sarvari Khatoon.

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



case. He further submits that there is land dispute between the parties. He also submits that there is no injury caused to the informant as alleged. Despite allegation that Noorhoda and Noorjahan were assaulted, there is no corresponding/supporting injury report on record. He also submits that as per the injury report of even other two alleged victims, the injury is simple in nature caused by hard and blunt substance. Hence, the injury report is not in consonance with the allegation. He further submits that as per the nature of the injury, Section 307 is not attracted.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner no. 1 has been made accused in two other cases whereas the Petitioner nos.2, 3 and 4 have no criminal antecedents.

7. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Shikarpur PS. Case No.05 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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