

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13066 of 2020**

Arising Out of PS. Case No.-496 Year-2019 Thana- ARARIA District- Araria

1. BIBI GAZIA Wife of Md. Mustafa Resident of Village - Araria Basti Ward No. 07, P.S.- Baigachhi O.P. (Araria), District- Araria.
2. Md. Shamsad Son of Rizwan Resident of Village - Araria Basti Ward No. 07, P.S.- Baigachhi O.P. (Araria), District- Araria.
3. Md. Santo Son of Late Mustafa Resident of Village - Araria Basti Ward No. 07, P.S.- Baigachhi O.P. (Araria), District- Araria.
4. Rani Wife of Azad Resident of Village - Araria Basti Ward No. 07, P.S.- Baigachhi O.P. (Araria), District- Araria.
5. Bibi Samina Wife of Md. Shamsad Resident of Village - Araria Basti Ward No. 07, P.S.- Baigachhi O.P. (Araria), District- Araria.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

**Appearance :**

For the Petitioners	:	Mr. Mukesh Kumar Rana, Advocate.
For the State	:	Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      24-07-2020              Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Araria (Baigachhi) Police Station Case No.496 of 2019 registered under Sections 147, 148, 149, 341, 323, 326, 308, 354B and 506 of the Indian Penal Code.

The accusation is that on on 18.06.2019 at about 08.00 P.M., the informant Bibi Noorjahan was closing her fruit shop. At that time, Sampat, the daughter of the informant, came there in weeping condition and informed the informant that her two sisters, namely,



Jainab and Sahni have been assaulted and injured. Thereafter, the informant reached at her house and came to know from the villagers that when her younger daughter Sahni was sleeping at her door, at that time, all of sudden, stone was pleted at the tin-shed by someone on which the younger daughter of the informant Sahni started to abuse making query who has pelted the stone. Thereafter, the neighbours of the informant, namely, Bibi Bimla, Birendra Sah, Md. Mithu, Md. Jugnu, Bibi Gazia (petitioner no.1), Md. Shamsad (petitioner no.2), while abusing, having lathi and danda, came there and asked Sahni, the younger daughter of the informant, why she is abusing on which she asked them that someone has pelted stone at her tin-shed. Thereafter, on the order of Bibi Bimla and Bibi Gazia (petitioner no.1), Md. Azad armed with Dabia, Md. Irshad and Md. Santo (petitioner no.3), laid Sahni, the younger daughter of the informant, on the ground catching her hair and Md. Azad, with an intention to kill her, caused assault to her with Dabia, due to which she sustained blood oozing injury near her right eye. When Jainab, the elder daughter of the informant, rushed to save, then Birendra Sah, Mithu, Shamsad (petitioner no.2) and Md. Rizwan, with bad intention, laid her on the ground and started to tear her Salwar suit. At that time, Birendra caused assault to Jainab through fists and slaps at her chest. At that time, Bibi Gazia (petitioner no.1), Bibi Bimla, Rani (petitioner no.4), Bibi Bijli and Bibi Samina (petitioner no.5) having lathi and danda entered into the house of the informant and



started to damage the household articles and also took away cash Rs.40,000/- and ornaments worth Rs.60,000/-, which was kept in the box for the purpose of marriage of the daughter of the informant.

Learned counsel for the petitioners submits that due to petty dispute, hot exchange of words took place in between the petitioners and other accused with the family of the informant but with an ulterior motive, the informant has lodged the present case after six days of the occurrence on 24.06.2019 with false allegation. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Araria (Bairgachhi) Police Station Case No.496 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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