

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3714 of 2015

Arising Out of PS.Case No. -178 Year- 2014 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rahim Mian S/o Late Hartali Mian
 2. Sharif Mian S/o Late Hartali Mian
 3. Sher Mohammad Mian, S/o Bhoj Mian
 4. Jamadar Mian S/o Jaharali Mian
 5. Shamsul Haque Mian S/o Jaharali Mian All resident of Village-
Jokiyari, P.S.- Raxaul, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 29-01-2015 Heard both sides.

The petitioners apprehend their arrest in Raxaul P.S.
Case No. 178 of 2014, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code.

Mir Hasan Mian, the informant named seven persons
and alleged that they all surrounded him while he was raising
ridge for stopping flowing of water. Rahim Mian the petitioner
no.1 came and assaulted the informant with Pharsa on his head
and neck. The informant further alleged that other accused persons
also assaulted him.

Learned counsel for the petitioner submits that the

petitioners are maternal uncle of the informant. On account of land dispute the occurrence took place. The informant earlier filed a case which has been compromised.

On perusal of the record, it appears that the informant made allegation against Rahim Mian petitioner no. 1 that he assaulted the informant with Pharsa on his head and neck, thereafter, all other accused persons also assaulted, but from the injury report Annexure-2, it appears that the informant got two incised wound one on head and another on left side of the neck.

Considering the facts aforesaid, the petitioner nos. 2 to 5 namely, Sharif Mian, Sher Mohammad Mian, Jamadar Mian and Shamshul Haque Mian, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran in connection with Raxaul P.S. Case No. 178 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 1 Rahim Mian is concerned, there is very specific allegation against him that he

assaulted the informant with Pharsa causing injury on head and neck, hence I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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