

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27243 of 2015

Arising Out of PS.Case No. -282 Year- 2014 Thana -HUSAINGANJ District- SIWAN

=====

1. Barakat Nut.
2. Tazuddin Nut.
3. Sarfuddin Nut @ Safaruddi Nut. All are sons of Mainuddin Nut,
resident of village - Harihas Kurha Tola, P.S. Hussainganj, District – Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Radha Krishna Singh, Advocate.

For the Opposite Party : Mr. Yogendra Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection
with Hussainganj P.S. Case No. 282 of 2014 for the offences
instituted under Sections 147, 149, 323, 324, 307 and 302 of the
IPC.

The prosecution story, in brief, is that on 30.10.2014 at
2.00 P.M. the informant's neighbour Kishmat Nut having Sword
in his hand went to his door with an intention to kill his brother
Ashraf Nut and assaulted on his head resulting cut injury. Blood
started oozing. Thereafter, Haji Nat, Taiyab Nut and Chandan Nut
went there. Haji Nut was having Farsa in his hand and Taiyab Nut



and Chandan Nut were having Lathi in their hands. Haji Nut assaulted on the left hand of Ashraf Nut with Farsa causing cut injury. Taiyab and Chandan Nut assaulted Ashraf Nut with a Lathi. Thereafter, Saddam Nut and Samsul Nut went there and assaulted Mir Haiyaza Nut with rod causing head injury. Samsul Nut assaulted on leg and back with Lathi. In favour of other accused persons Tazuddin Nut, Barakat Nut and Sarfuddin Nut (petitioners) went there with Lathi and rod and assaulted Arman Nut causing head injury. With the help of villagers they went to Hussainganj for treatment but the doctor referred them to Sadar Hospital, Siwan. Ashraf was referred to P.M.C.H. Patna, for his treatment.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that there is no allegation of assault against the petitioners causing any injury to the deceased. The petitioners are alleged to have assaulted Arman Nut with Lathi and rod. The injury report of Arman Nut shows that the nature of injury is simple.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and have participated in the occurrence.

Considering the aforesaid facts and circumstances, I am

not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Hussainganj P.S. Case No. 282/2014, pending in the court of the learned C.J.M, Siwan. Anyhow, if the petitioners surrender in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)