

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29172 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -DAGARUA District- PURNIA
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1. MD. RAHIL @ MD.ROHIL S/o Sabruddin Resident of village -
Islampur Tola Bhakhri, P.S. Dagarua, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Smt.Rina Sinha(App)
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Section 302 and other allied Sections of the Indian Penal Code.

The prosecution case, in brief, is that prior to 13 days of the occurrence one Md. Jakir made allegation against Jiyaul regarding illicit connection with one Bibi Fudan on account of which a Panchayat was convened and the said matter was also raised. It is also stated by the informant that when his son, namely, Amrul told that when the said Bibi Fudan refused the aforesaid relation then how they made allegation upon Bibi Fudan. On this FIR named accused including the petitioner assaulted the son of the informant with fists and slaps and when



the informant went to save him then accused persons also assaulted the informant. On 13.3.2015 the accused persons having deadly weapon i.e. lathi and knife entered into the Angan of the informant and Jakir gave knife blow on the chest of his son and on account of which he fell down, accused gave knife blow upon the another son of the informant, due to which he sustained injury on his thumb. Thereafter the informant and his brother came to save Abdul Matin and Amrul then accused persons, namely, Najrul, Md. Rohil started indiscriminately assault by lathi to his brother Mojimil Haque. Accused Md. Nurul and Muzaffar assaulted the informant and on hulla villagers came and then the accused persons fled away. It is also alleged that when the informant was bringing his son Abdul Matin from Tempo to hospital for treatment and in the way he succumbed to his injury.

On behalf of the petitioner, it has been submitted that the petitioner has no criminal antecedent. So far allegation to assault the deceased is concerned, same is attributed against Jakair. The petitioner has not caused injury upon the deceased. At best a case u/s 323 or 324 IPC is only made out against the petitioner for assaulting the informant and his brother.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt.Sachi Mishra, learned Judicial Magistrate, 1st Class, Purnea in connection with Dagarua P.S.Case No. 49 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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