

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34234 of 2014

Arising Out of PS.Case No. -134 Year- 2013 Thana -CHAUSA District- MADHEPURA

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1. Md. Usman Son of Late Zahoor Shah
 2. Md. Haslim Son of Late Kailu Shah
 3. Md. Abbas Son of Late Kailu Sah
 4. Md. Taslim Son of Late Kailu Sah
 5. Md. Muslim @ Muslim Son of Late Kailu Sah
 6. Md. Ilyas Son of Late Kailu Sah
 7. Md. Imtiyaz @ Md. Imteyaz Alam Son of Md. Usman
 8. Md. Irshad @ Md. Irshad Alam Son of Md. Usman
 9. Md. Salauddin Son of Late Md. Hasan
 10. Md. Rustam @ Munna Son of Late Md. Farooque Shah
 11. Md. Mobarak @ Mobarak Son of Md. Chhanguri
 12. Md. Monu @ Faiyaz Alam Son of Md. Razzaque
 13. Md. Gani @ Gani Son of Late Md. Salamat
 14. Md. Jabir Son of Md. Gani
 15. Md. Habib Nadaf, Son of Late Shamshuddin Nadaf,
All resident of Village-Kalashan, Police Station-Chousa, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Rais, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-02-2015 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner No.1 Md. Usman and petitioner No.3 Md. Abbas.

Prayer is allowed.

The same is dismissed as withdrawn.

Anticipatory bail application with regard to petitioner No.9 Md. Salauddin and petitioner No.11 Md.

Mobarak @ Mobarak has already been withdrawn vide order dated 13.11.2014

Heard both sides.

The petitioners, except petitioner Nos.1, 3, 9 and 11, apprehend their arrest in a case registered under Section 307 and other sections of the Indian Penal Code.

Md. Kalamuddin, the informant, named the petitioners along with others in the alleged offence and made general and omnibus allegation that they assaulted him and his grand-daughter Ruby Khatoon.

Learned counsel for the petitioners submits that from the side of the petitioners Chausa P.S. Case No.133 of 2013 was registered against the informant and others. There is omnibus and general allegation of assault against the informant and his grand-daughter. The informant got three injuries, out of which two injuries are simple and one bruise was found on the right thumb and the said injury was found to be grievous. Grand-daughter of the informant has also got simple injury.

On the other hand, learned counsel for the informant, while opposing the prayer for bail, submits that the allegations are that all assaulted the informant and his grand-daughter.

It appears that there is omnibus and general allegation of assault. More than 20 persons are named in the F.I.R.

There is a counter version. The quarrel took place for making prayer in the mosque.

Considering the facts aforesaid, petitioner No.2 Md. Haslim, petitioner No.4 Md. Taslim, petitioner No.5 Md. Muslim @ Muslim, petitioner No.6. Md. Ilyas, petitioner No.7 Md. Imtiyaz @ Md. Imteyaz Alam, petitioner No.8 Md. Irshad @ Md. Irshad Alam, petitioner No.10 Md. Rustam alias Munna, petitioner No.12, Md. Monu @ Faiyaz Alam, petitioner No.13 Md. Gani @ Sani, petitioner no.14 Md. Jabir and petitioner No.15 Md. Habib Nadaf, in the event of their arrest or surrender before the learned 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 bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Chausa P.S. Case No.134 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

PNM

(Prabhat Kumar Jha, J)

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