

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41000 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -KASBA District- PURNIA

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1. Anwari Khatoon, wife of Md. Bajed Ali.
 2. Humera Khatoon wife of Md. Hakim
 3. Noor Alam, son of Md. Bajed Ali. All are resident of village- Balu Tola, P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad

For the Opposite Party/s : Mr. Satyaverat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2015

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 of the Indian Penal Code. Subsequently Section 302 I.P.C was also added.

The prosecution case is that in the background of dispute with regard to repair of the house, the accused persons came variously armed and started making assault to the uncle of the informant. Co-accused Md. Wajed assaulted the uncle of the informant Abdul Qayum with dabia on his head, as a result he received grievous injuries while others assaulted Md. Jamshed, Bibi Sabila Khatoon, Abdul Rasid and Md. Khurshid. Co-accused Abdul Rashid took golden chain and co-accused Md. Hakim took earring of the niece of informant. Subsequently uncle of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that accusation of assault is not specific against the petitioners. The specific accusation is against Md. Wajed, whereas the case lodged by the petitioners' side is at earlier point of time.

It is submitted by learned counsel for the informant that accusation of assault is omnibus and general against others, though specific accusation of assault to the victim is against Md. Wajed. The impugned order suggests that victim died due to the head injuries.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the specific accusation against Md. Wajed, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 100 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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