

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48949 of 2014

Arising Out of PS.Case No. -74 Year- 2014 Thana -THAWE District- GOPALGANJ

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1. Nabi Rasul Darji Son of Late Jalim Darji
2. Nawsad Darji @ Nousad Alam
3. Safee Darji
4. Hasmuddin Darji @ Namuiddin Darji
Petitioner No. 2 to 4 are son of Nabi Rasul Darji All resident of Village -
Gopalamath, P.S. Thawe, District - Goplaganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Suman Kri Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

It has been submitted that petitioner no. 2 Nawsad Darji @ Nousad Alam has been arrested during the pendency of this application, as such, prayer has been for withdrawal of this anticipatory bail application on his behalf.

Prayer is allowed. Accordingly, this application for anticipatory bail on behalf of petitioner no. 2 Nawsad Darji @ Nousad Alam is dismissed as withdrawn.

Petitioners no. 1, 3 and 4 apprehend their arrest in connection with Thawe P.S. Case No. 74 of 2014 registered for

the offences punishable under Sections 147, 341, 447, 323, 324, 307, 504 of the Indian Penal Code.

Allegedly, for throwing garbage by petitioner no. 1 in front of house of the informant the informant protested but on the next date when the informant was going to attend his call of nature, the petitioners having armed with rod, sword and dab started abusing him and in the meantime other co-accused also came there. Petitioner no. 1 assaulted with rod, petitioner no. 2 assaulted with sword over his head and when son of the informant tried to rescue him, co-accused started inflicting sword and dab blow and lady co-accused started pelting bricks and stones.

Submission is of false implication and that there is case and counter case bearing Thawe P.S. Case No. 73 of 2014 and for land dispute the occurrence has taken place. The injuries found on the victims are simple in nature caused by sharp cutting weapons and hard blunt substance, as such the petitioners deserve sympathetic consideration to which the learned APP opposes.

As there was no intention to kill anybody and noticing that victims have received injury which are simple in nature, the petitioners no. 1, 3 and 4, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail

bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 74 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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