

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38881 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Md. Rauf S/o Late Md. Mannan
 2. Md. Bajir S/o Md. Rauf
 3. Md. Najir S/o Md. Rauf

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-10-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The prosecution case is that petitioner no.1 Md. Rauf covered the face of the informant when petitioner nos. 2 (Md. Bajir) and 3 (Md. Najir) made assault with dagger on the neck and abdomen of the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 15.03.2015, the FIR was registered on 25.04.2015. The accusation of making assault to the informant with dagger is against petitioner nos. 2 and 3. Moreover, injury has been found to be simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the FIR and accusation

of assault is not against petitioner no.1 (Md. Rauf), let him be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar in connection with Katihar (Muffasil) P.S. Case No.46 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner nos. 2 and 3 are concerned, since there is specific accusation of assault against them, let the learned Court below consider the prayer for regular bail of the petitioner nos.2 and 3 keeping in view of the delayed lodging of the case, if they surrender within a period of six weeks in connection with Katihar (Muffasil) P.S. Case No.46 of 2015, pending before the learned Judicial Magistrate, 1st Class, Katihar.

With the above observation, this application with respect to petitioner nos. 2 and 3 is, accordingly, disposed off.

Ashwini/-

(Dinesh Kumar Singh, J)

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