

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.686 of 2015

Arising Out of PS.Case No. -154 Year- 2014 Thana -ARIYARI District- SEKHPURA

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1. Mofiz Khan Son of Late Ibrahim Khan
 2. Shisha Khan Son of Iliyas Khan
 3. Md. Tahir Khan @ Tahir Khan Son of Md. Ibrahim Khan @ Ibrahim Khan All resident of Village - Ariari, P.S. - Ariari, District - Sheikhpora.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-02-2015 Heard learned counsel for the petitioners, State as well as the informant.

The petitioners apprehend their arrest in Ariari P.S. Case No. 154 of 2014, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

Laljeet Yadav the informant named ten persons and alleged that Maqsood Khan assaulted Bhopal Yadav with Garasa on his head. Kalimuddin was armed with rifle. Tahir Khan the petitioner no. 3 was armed with pistol. Israil Khan assaulted Prakash Yadav with sword. Manowar Khan assaulted Bhopal Yadav with sword. Amzad Khan pelted stones. Mofiz Khan petitioner no. 1 assaulted Laljeet Yadav with Lathi. Ilias Khan and Shisha Khan petitioner no. 2 are alleged to have also pelted stones.

Learned counsel for the petitioners submits that there is no allegation of assault against petitioner no. 3 Md. Tahir Khan @ Tahir Khan.

He was only alleged to have abused. Mofiz Khan petitioner no. 1 is alleged to have assaulted Laljeet Yadav and petitioner no. 1 Shisha Khan is alleged to have pelted stones. No specific injury was found. Other accused persons have already been granted regular bail.

On the other hand, learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail of the petitioners.

Having considered the facts aforesaid and the fact that there is no specific allegation against petitioner nos. 2 and 3 and there is allegation of assault with Lathi against petitioner no. 1, but only simple injury that too of superficial nature is found, the petitioners, in the event of their arrest or surrender before the 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 bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Sheikhpura in Ariari P.S. Case No. 154 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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