

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37450 of 2015

Arising Out of PS.Case No. -158 Year- 2014 Thana -JADIA District- SUPAUL

- =====
1. Md. Misraul
 2. Md. Sabir Both son of Md. Sulo @ Md. Sulaiman
 3. Md. Gayas son of Md. Hado
 4. Md. Guddu @ Guddo son of Md. Ilyas
 5. Md. Abbas son of Md. Hado All resident of village- Sarhadgatti Tola Rahmanpur, P.S.- Sirinagar, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan
For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,447,341,323,324,325,307379 and 504 of the Indian Penal Code.

The prosecution case is that on protest being made for grazing wheat crop and asking Bibi Sakila to remove the straw from the land of the informant, 28 named accused persons assaulted the informant. It is alleged against petitioner no.1 and Md. Sabir to have assaulted with farsa on the head of the informant whereas petitioner no.3 Md.Gayas assaulted with lathi on the

palm of the informant. There is no specific accusation of assault against petitioner nos. 4 and 5.

It is submitted by the learned counsel for the petitioners that the accusation of assault by farsa is against petitioner nos. 1 and 2 but only one sharp cut injury and other lacerated injuries were found on the head when one of the two injuries on the head has been found to be grievous where as the injury on the palm of the informant has been found to be simple. It appears unreasonable that 28 persons made assault when the informant received only five injuries. There is counter version of the occurrence also. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the above submissions, let the learned court below consider the prayer for regular bail of the above named petitioner nos. 1 and 2 keeping in view the fact that both are alleged to have assaulted with farsa when one sharp cut injury has been found and there is counter version of the occurrence, in case the petitioner nos. 1 and 2 surrender within six weeks from today in connection with Jadia P.S. Case No. 158 of 2014 pending in the court of learned SDJM, Supaul.

So far as petitioner nos. 3 to 5 are concerned, since the injury caused by petitioner no. 3 has been found to be simple and

since there is no grievous injury caused by petitioner nos. 3 to 5, let the above named petitioner nos. 3 to 5 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Supaul in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--