

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49713 of 2014

Arising Out of PS.Case No. -326 Year- 2014 Thana -BARHARIA District- SIWAN

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1. Chand Sah son of Bandey Sah
2. Mumtaz Sah @ Lolan Sah son of Kela sah Both resident of village-
Babhanbara, Police Station- Barharia, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Anand Kishor Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2015 The petitioners are apprehending their arrest in connection with Barharia P.S.Case No. 326 of 2014 instituted under Sections 147, 148, 149, 323, 324, 307, 379, 448, 504 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that informant Zalil Uzma lodged a written report before the police stating that he was at his house where all the petitioners including Chand Sah, Mumtaz Sah, Sayed Alam, Safare Alam, Rajo Ali, Afsar Ali, Aslam Ali along with ten to twelve persons under conspiracy due to old enmity entered in the house and started looting on which he objected then accused Chand was having a Talwar attacked on his neck in order to kill him, as a result of which he got injury on



his neck and Fassiuzamma, Galluuzamma and Nafiusulzamma came to save the informant, then the petitioner Mumtaz Sah also gave a farsa blow, as a result of which Sakilulzamma @ Sadir got injury on nose and blood came out from his nose and the petitioners Syed Alam and Afsar Ali assaulted with lathi and the petitioner Safare Alam, Sahane Alam and Chand Sah also assaulted and they also took away the valuable article golden chain and cash Rs. 10,000/- was taken away Mumtaz Sah and Afsar Ali and they also threatened the informant.

Learned counsel for the petitioners has submitted that so far petitioner no.1 is concerned, he is alleged to have assaulted with sword to the informant. Further it has been submitted that the said allegation is not corroborated from the injury report of the informant. The injury report is Annexure 2 to the present application. From perusal of the same it appears that the injury received by the informant is of hard blunt substance.

In respect of petitioner no.2, it has been submitted that petitioner no.2 is said to have assaulted with Farsa causing injury to other persons. The injury reports are Annexure 3 series . From perusal of the said injury reports it appears that Fasiujjama has sustained sharp cutting injury.

Considering the aforesaid facts, let the petitioner no.1,

named above, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in Barharia P.S.Case No. 326/2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

So far petitioner no.2 (Mumtaz Sah @ Lolan Sah) is concerned, his prayer for anticipatory bail is rejected.

However, if petitioner no.2 surrenders in the court below within six weeks and pray for regular bail, the same shall reconsidered on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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