

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8941 of 2015

Arising Out of PS.Case No. -852 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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1. Md. Sadique Ali @ Sadique Ali.
 2. Md. Kaushar Ali.
 3. Md. Akbar Ali.
 4. Md. Haider Ali.
 5. Md. Wasim @ Md. Wasim.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Suresh Chand Giri, Advocate.

For the Opposite Party : Mr. Anita Kri.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2015 Heard learned counsels for the petitioners, informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 323, 324, 326, 307, 379, 504 and 506 of the Indian Penal Code.

It is alleged that the informant was assaulted with Lathi, Sickle by the accused persons including the petitioners when son and brother of the informant came to rescue they were also assaulted.

It is submitted by learned counsel for the petitioners that the injury report of the informant reflects two injuries, one is sharp cut injury on

the left shoulder which is found to be grievous in nature and other is bodyache. Hence, the injury report does not corroborate the accusation levelled in the F.I.R., when it is alleged that nine F.I.R. named accused persons assaulted the informant. The injuries of the informant's brother and son have been found to be simple.

It is submitted by learned counsel for the petitioners that there is counter version of occurrence also when the petitioners' side also lodged K. Hat (Maranga) P.S. 857 of 2014 making accusation under Sections 341, 342, 323, 354, 376/511 and 379/34 of the I.P.C. against the family members of the informant.

It is submitted by learned counsel for the informant that the injury of the informant has been found to be grievous and case lodged by the petitioners' side is not the counter version rather the case has been lodged to save their skin from the case lodged by the informant's side.

Considering the fact that the accusation is not being corroborated by the injury report moreover the accusation of assault is omnibus and general and a statement made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent, let the petitioners, above named, be released on

bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with K. Hat (Maranga) P.S. Case No. 852 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Dinesh Kumar Singh, J)

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