

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9120 of 2015

Arising Out of PS.Case No. -139 Year- 2013 Thana -NAUHATTA District- SAHARSA

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1. Md. Sachin Safi
 2. Md. Sagir Safi Both are sons of Md. Salauddin Safi, Resident of Village and Police Station- Nawhatta, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Nanhi Khatoon wife of Md. Sakil Safi Village and Police Station Nawhatta, District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh
For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-07-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Nawhatta P.S. Case No. 139 of 2013 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 354, 448, 302, 504, 506, 307, 120 B of the Indian Penal Code.

For flowing water, altercation started between the parties and Kaishar Khatoon came before the complainant/informant and started abusing her and thereafter, other accused persons came there armed with lathi, farsa, fatta and petitioner Md. Sagir Safi caught hold the hands of the complainant

and when Md. Raja Safi aged about 16 years came there to rescue her, then accused persons assaulted him who received injury on his chest and on other parts of the body and further the accused persons assaulted other members of the complainant/informant and in course of medical treatment Md. Raja died on 03.09.2013.

Submission is of false implication and that the occurrence is said to be of 02.09.2013, Md. Raja died on 03.09.2013 as he was suffering from tuberculosis and after hatching up conspiracy the complaint case was filed on 10.09.2013 which was sent for investigation to the Police. During investigation witness Hatim Nadaf vide paragraph 8, Md. Abdul Gaffur vide paragraph 9 and Maxbul Alam Khan vide paragraph 10 have stated that Md. Raja was suffering from tuberculosis and he died due to that disease. No post mortem has been done. There is no injury report attached with the complaint petition and in this false case the petitioners are apprehending their arrest.

Learned APP after going through the case diary submits that during supervision the case has been found to be true but it is true that some of the witnesses have stated regarding tuberculosis of Md. Raja.

In the facts and circumstances stated above, the petitioners above named, in case of their surrender or arrest within

two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nawhata P.S. Case No. 139 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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