

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26126 of 2015

Arising Out of PS.Case No. -75 Year- 2014 Thana -KEOTI District- DARBHANGA

1. Md. Murtuza son of Late Md. Mofeed
2. Md. Rozi son of Md. Murtuza
3. Md. Rumi son of Md. Murtuza

... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-07-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341/323/324/325/307/504/34 of the Indian Penal Code.

The prosecution case is that all the accused persons entered into the courtyard of the informant armed with knife and 'danda' when petitioner no.3 Md. Rumi assaulted Md. Wasim with knife whereas petitioner no.1 Md. Murtuza assaulted Md. Wasim with 'danda' and petitioner no.2 made an attempt to strangle the informant.

It is submitted by learned counsel for the petitioners that for the initial occurrence of 28.06.2014, written report was lodged on 28.06.2014 but the present FIR was lodged on 07.07.2014 for the occurrence of 29.06.2014. The injured have been examined by a private doctor on 29.06.2014 itself. Though out of four injuries two injuries have been found to be grievous in

nature. It is further submitted that Md. Murtuza petitioner no.1 filed Complaint Case No. 1001 of 2014 against the informant and the police after investigation submitted chargesheet under bailable provisions of IPC but, subsequently, differing with the final form, the cognizance has been taken under sections 448 and 307 IPC.

It is submitted by learned counsel for the informant that accusation is specific against the petitioners and the injuries received by the injured are grievous.

Considering delayed lodging of the case and the police on conclusion of investigation submitted final form under the bailable provisions, it is a fit case for consideration of prayer for regular bail, if the petitioners surrender within a period of six weeks in connection with Keoti P.S. Case No.75 of 2014, pending before the learned Chief Judicial Magistrate, Darbhanga.

It is expected from the learned court below to dispose of the prayer for regular bail of the petitioner, on filing, preferably on the same day.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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