

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30277 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -BALTHAR
District- WEST CHAMPARAN(BETTIAH)

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1. Sk. Darood Son of Late Jaimul
 2. Sk. Dowra Son of Late Jainull
 3. Sk. Bagar@Sk. Bagad, son of Sk. Darood.
 4. Sk Rahamtullah@Ramtullah son of Sk. Darood.
 5. Sk. Saifullah@Sk. Saifulla@Saifullah son of Sk. Darood.
 6. Sk Guddu @ Guddu son of Sk. Dowra
 7. Sk Ganni@Sk. Gani son of Sk. Hisab.
 8. Sk. Ishtaque@Sk. Ishtaque son of Sk. Ganni.
 9. Sk.Akhtar son of Sk. Kamil.
 10. Sk. Habil son of Late Sk Khalil
 11. Sk. Gul Mohammad@Gul Mohammad son of Sk. Habib
 12. Shamse Alam@Shamsher Alam son of Sk. Habil
- All are resident of Village- Purainiya, P.S.-Balthar, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party : Ms. Gulnar Begum (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-11-2015 Heard learned counsel for the petitioners and the learned
counsel appearing on behalf of the informant and the State.

The petitioners are apprehending their arrest in connection
with Balthar P.S. Case No.3 of 2015 for allegedly having
committed the offences under Sections 146, 147, 341, 323, 324,
379, 504, 354 and 307 of the Indian Penal Code. Subsequently,
Section 302 of the Indian Penal Code has been added.

Earlier, case diary in the present case was called for,

which has since been received.

Learned counsel for the petitioners submits that there is case and counter case between the parties. In fact, the occurrence is said to have happened on account of petty disputes over construction of drain. Learned counsel for the petitioners further submits that actually no injury was inflicted on the deceased Sk. Murtuza by these petitioners and initially it was only small injury on his palm that had been figured in the injury report having been inflicted on the deceased. Subsequently, it appears that after the vehicle in which they were trying to escape was severely bashed up, the son of petitioner no.1 Sk. Naseem was injured and subsequently he died. It is on account of the fact that while running from the place of occurrence on a jeep, the accused persons including the deceased Sk. Murtuza met with an accident having fallen into a ditch.

Learned counsel for the informant, however, submits that the petitioners have mercilessly beaten up the deceased, as a result whereof he succumbed to his injuries in the hospital.

Learned counsel for the State after perusal of the case diary submits that there are two injury reports; one on the palm of the deceased whereas subsequently the post-mortem report reveals Hematoma on the head. It is quite peculiar that an injury

which initially was on the palm of the hand could have turned into a head injury; resulting in the deceased having met with such fate.

Considering the peculiar facts and circumstances as have emerged in the case diary and that the petitioners having no criminal antecedents, let all the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing 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, West Champaran at Bettiah, in connection with Balthar P.S. Case No.3 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that while granting bail, the court below shall ascertain the antecedents of the petitioners as the learned counsel for the informant submits that most of them are having criminal antecedents.

(Anjana Mishra, J)

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