

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52136 of 2014

Arising out of PS.Case No. -132 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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1. Mokima Khatoon, wife of Md. Anwar @ Anwar Mian
 2. Roshan Khatoon wife of Samim
 3. Md. Sahid @ Shahid
 4. Md. Mistar, Both Sons of Md. Anwar @ Anwar Mian
 5. Md. Anwar @ Anwar Mian, son of Md. Mian
 6. Md. Jamil @ Jamil S/o Salim Mian, All are resident of Village - Motipur, P.S. - Rosera, District - Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2015

The petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 132 of 2014 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 379 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, as alleged by the informant is that on 21.05.2014 at about 3 P.M. while he along with his brother were sitting at his *Darwaja*, all the accused persons including the petitioners came there and started abusing them and on protest the informant was assaulted. The informant's brother was also assaulted in the said occurrence.

On hulla, when the family members of the informant came running to save them, they were also assaulted by the accused persons. It is also alleged that the accused persons entered into the house of the informant and looted away golden chain and Rs. 10,000/- cash and fled away.

It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedents. It has further been submitted that the injuries that have been sustained on the informant side are simple in nature except for one injury on thumb as is evident from the order of the learned Sessions Judge. It has further been submitted on behalf of the petitioners that there is a land dispute and there is a case and counter case. The said counter case is Annexure-4 to the present application.

On behalf of the State, it has been submitted that the petitioners are named in the First Information Report and there is specific allegation made against the petitioners.

From perusal of the First Information Report it appears that specific allegation has been attributed against petitioner nos. 4 and 6, namely, Md. Mistar and Md. Jamil @ Jamil and, as such, I am not inclined to enlarge petitioner nos. 4 and 6 on anticipatory bail. Their prayer for bail is rejected in connection with Rosera P.S. Case No. 132 of 2014, pending in

the court of the learned Additional Chief Judicial Magistrate, Rosera. As far as the other petitioners are concerned, omnibus and general allegation has been made against them. Considering the said fact, let petitioner nos. 1, 2, 3 and 5, namely, Mokima Khatoon, Roshan Khatoon, Md. Sahid @ Shahid and Md. Anwar @ Anwar Mian in the event of their arrest or surrender in the court below within four weeks, be enlarged on anticipatory 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 Additional Chief Judicial Magistrate, Rosera in connection with Rosera P.S. Case No. 132 of 2014, subject to the conditions, as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J.)

Sanjay/-

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