

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43259 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -BISHWAMBHARPUR District- GOPALGANJ

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1. MURTUZA ALI.
 2. FARUKH ALI @ MD. FARROOQUE.
 3. BHUTTU ALI @ MAHMAD BHUTTU All 1 to 3 sons of LATE SAMSER MIYAN.
 4. BAKSHISH ALI Son of Mainuddin Miyan.
 5. SAINUL HASAN MIAN @ SAINUL HASANSON OF LATE MAHAMDIN MIYAN.
 6. NOOR HASAN MIAN @ NOOR HASAN ANSAARI, SON OF LATE NABI RASOOL MIAN.
 7. WAHAB MIAN @ ABDUL WAHAB SON OF LATE SUBHAN MIAN.
 8. HATIM MIAN @ MD. HATIM SON OF LATE HAMID MIAN.
 9. RUSTAM ALI SON OF LATE NIZAMUDDIN MAIN.
 10. PARWEJ MIAN @ PARWEJ ALAM SON OF NIZAMUDDIN MIAN, All 1 to 10 residents of village Durga Maithani, P.S. Bishambharpur, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Ram Shankar Das (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 24-11-2015 Heard learned counsel for the petitioners and

learned Special P.P. for the State.

The petitioners pray for anticipatory bail in a case under Sections 147,148,149, 447,323,325, 307,379, 504 506, 511 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(X) of the SC and ST (Prevention of Atrocities) Act.

It is submitted by learned counsel for the



petitioners that the present matter is a case and counter case and the correct facts of those are stated in the FIR filed by the petitioner for the same incident. It is further submitted by learned counsel that so called allegation of having abused the informant party by their caste name had admittedly occurred at the house of the informant and thus there can be no application of the provisions of the SC and ST Act. It is also submitted by learned counsel that the parties have since compromised the matter and the compromise petition has been filed in the Court below also.

It is also submitted by learned counsel that the allegations in the FIR are completely belied by the injury report of the mother of the informant as only a single injury, being tenderness & swelling, has been reported.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, (1) Murtuza Ali (2) Farukh Ali @ Md. Farrooque, (3) Bhuttu Ali @ Mahmad Bhuttu, (4) Bakshish Ali, (5) Sainul Hasan Mian @ Sainul Hasan, (6) Noor Hasan Mian @ Noor Hasan Ansaari, (7) Wahab Mian @ Abdul Wahab, (8) Hatim Mian @ Md. Hatim, (9) Rustam Ali and (10) Parwej Mian @ Parwej Alam, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of

Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Bishambharpur P.S. Case No. 42 of 2015 to the satisfaction of the Chief Judicial Magistrate, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ramesh Kumar Datta, J)

S.Pandey/-

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