

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27454 of 2016

Arising out of PS.Case No. -61 Year- 2016 Thana -KAMTAUL District- DARBHANGA

1. Umar Raza Afaqui @ Babul, S/o Mahfooz Raza Bihari.
2. Hasib Ahmad @ Jammo, S/o Asmat Ali.
3. Imteyaz Ahmad @ Sahane, S/o Hasmat Ali.
4. Neyaz Ali @ Najjo, S/o Amirul Haque.
5. Azmat Ali Afaque, S/o Amirul Haque.
6. Atif Raza Afaqi, S/o Gulab Rabbani.
7. Shamshir Ahmad, S/o Late Ataur Rahman. All residents of village - Kumhrauli, P.S. Kamtaul, District – Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Dharmendra Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Kamtaul P.S. Case No. 61 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 379 of the IPC.

The prosecution story, in brief, is that on 24.04.2016 at 5.30 P.M. the informant was sitting at his *Darwaza* and talking with the villagers. All of a sudden, all the accused persons with sword, iron rod, lathi and danda came and on the order of co-



accused Wasi Ahmad, Asghar Ali @ Nazir gave sword blow on the informant which caused injury, blood started oozing out, in the meantime, accused Iftekhar Ahmad assaulted the informant with iron rod causing injury. The informant fell down on the ground. Other accused persons assaulted him with fists and slaps. It is further alleged that accused Waqar Ahmad Fahre assaulted Farkat @ Gazali with sword which caused injury. Accused Shamim Ahmad Afaqui @ Sonu and Umar Raza Afaqui assaulted Parwaiz with rod and danda and accused Haider Ali, Owaida Haider Afaqui, Saziuzzama, Taha Haider, Faizan Sarwar, Reyaz Ahmad @ Rajju assaulted Eqbal Hadier Jilani with rod, danda. Accused Samiuzzama, Hasib Ahmad, Moaj Akram, Imteyaz Ahmad @ Sohane assaulted Imteyaz with rod and danda. Neyaz Ali, Ajmat Ali Atiqul, Alwani, Afaque, Shamsul Ahimad and other armed with rod and danda assaulted the injured persons. It is further alleged that accused Reyaz Ahmad snatched Nokia Mobile of the informant. On hulla, the villagers rushed there and accused Samiuzzama threatened the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is a case and counter case between the parties. From perusal of the injury report, it appears that the nature of injury is simple, hence, no

offence under Section 307 IPC is made out.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Kamtaul P.S. Case No. 61/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)