

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58445 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -PALASI District- -Araria

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1. Taufique @ Tophique, son of Late Bahar Ali
 2. Muslim, son of Late Bahar Ali
 3. Tajemul, son of Late Bahar Ali
 4. Niyalu, son of Taufique All R/o Village Jagir Balua, P.S. Terhagachh,
District-Kishanganj

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kundan Kumar Singh, Advocate.
For Informant : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Kumar Veerendra Narayan (APP)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 12-02-2016 It is submitted that the petitioner no. 3, Tajemul has already been taken into custody and, as such, learned counsel for the petitioner does not press this application so far petitioner no. 3 is concerned.

Heard learned counsel for the petitioners, the State and the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 504 and 354 of the Indian Penal Code.

It is contended on behalf of the petitioners that so far as petitioner no.1 Taufique @ Tophique is concerned, allegation is



of assault by sharp cutting weapon upon the hands of the father of the informant, however, injuries upon the hands are found simple in nature. So far as petitioner no.4 Niyalu is concerned, the allegation is of assault upon the head of brother of the informant alongwith other persons by rod. It is contended that there are three injuries but simple in nature whereas Niyalu has allegedly given only one blow. So far as petitioner no.2 Muslim is concerned, the allegation is of assault upon the head of the mother of informant, however, injuries are found simple in nature.

Learned counsel for the informant submits that there is case and counter case and in the case filed by the petitioners' side, some of the accused persons had approached this Court by filing Cr. Misc. case no. 50877 of 2015 which was rejected vide order dated 10.11.2015 on the ground that there was allegation of assault by sharp cutting weapon on the head of the informant. Though, the injuries were simple but even then the anticipatory bail was not granted.

Having regard to the aforementioned facts and circumstances and in view of the fact that petitioner no.2 has assaulted by sharp cutting weapon upon the head of mother of the informant causing injury, this Court is not inclined to grant the privilege of anticipatory bail. As such, his application for

anticipatory bail is rejected. However, if he surrenders before the court below and seeks regular bail then let his application be considered on its own merit and in accordance with law without being prejudiced by the present order.

In the facts and circumstances of the case, let the petitioner no. 1, namely, Taufique @ Tophique and petitioner no. 4, namely, Niyalu be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in Palasi P.S. Case No. 127/15, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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