

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9290 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -SHYAMPUR BHATHA District- SHEOHAR

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1. Md. Atiullah
 2. Md. Amirullah
 3. Md. Sanaullah All are sons of Md. Ajij
 4. Md. Farhatullah @ Md. Mister son of Md. Atiullah All are residents of Village - Naya Gaon, P.S. - Shyampur Bhatha, District - Sheohar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Hans Lal Kumar, Advocate.
For the Opposite Party : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-05-2016 Heard both sides.

The petitioners apprehend their arrest in Shyampur Bhatha P.S. Case No. 58 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named the petitioners along with others that when his nephew Nasarullah was going to play cricket all the accused persons intercepted him. When the informant went there all the accused persons assaulted him. Md. Atiullah petitioner no. 1 assaulted the informant with Dabiya. Md. Amirullah and Md. Sanaullah petitioner no. 2 and 3 are alleged to have assaulted with bamboo stick and petitioner no. 4 Md. Farhatullah @ Md. Mister

opened fire in the air.

It is submitted that there is counter version. Two injuries were found on the person of the informant. One injury is on skull and the second injury is lacerated wound and both the injuries are opined to be simple in nature.

Considering the facts aforesaid and the fact that assault made by petitioner no. 2 and 3 Md. Amirullah and Md. Sanaullah are said to have with bamboo stick and one lacerated wound was found and petitioner no. 4 Md. Farhatullah @ Md. Mister is said to have opened fire, but nobody were injured, they namely petitioners no. 2, 3 and 4, 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, are directed to be enlarged on bail 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 Sub-Divisional Judicial Magistrate, Sheohar in Shyampur Bhatha P.S. Case No. 58 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 1 Md. Atiullah is concerned, there is very specific allegation against him that he assaulted the informant with Dabiya on his head and corresponding injuries are found, I am not inclined to enlarge the

petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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