

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9381 of 2016

Arising Out of PS.Case No. -247 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Samsuddin Mian
2. Basir Mian. Both are sons of Late Hakim Mian, Resident of village- Naya Gaon, Siswan, P.S.- Paharpur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Ansuaiya Jaiswal (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-03-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,307,379,504 and 506/34 of the Indian Penal Code.

The prosecution case is that on 7.9.2015 at 8 A.M. the informant was going to Bhutan market, in the meantime the petitioners and others caught him when petitioner no. 1 assaulted with farsa on the head of the informant, co accused Bangali Mian assaulted the informant with dab on the back of neck. On alarm the nephew of the informant namely Deepak Kumar Choubey came to then he was assaulted by co accused Jahir Mian and petitioner no. 2 with Fasuli. Babu Saheb Choubey came to rescue

then he was also assaulted by co accused Janir Mian by iron rod. There is accusation of assaulting the brother of the informant. Petitioner no. 1 snatched twenty thousand from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that in fact the case has been lodged with frivolous accusation. None of the informant side received injury. Statement to the aforesaid effect has been made in paragraph 10 of the petition which reads as follows:

“That it is respectfully submitted that in the alleged occurrence, none of the prosecution party sustained any injury and hence section 307 of the Indian Penal Code will not be made out against the petitioners whereas other sections as stated in the F.I.R. areailable one.”

It is further submitted that petitioner no. 1 lodged Paharpur P.S. Case No. 264 of 2015 levelling accusation under sections 341,323,324,379,504 and 506 IPC against the informant side on 9.9.2015 for the occurrence of 7.9.2015 but the same came to be registered as police case on 14.9.2015 and to save his own skin the informant lodged the case on 7.9.2015. The petitioners side received grievous injury. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal

antecedent.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for two months in the event of arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran in connection with Paharpur P.S. Case No. 247 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned court below if on verification it is found that none from the informant side received any substantial injury, otherwise the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--