

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21100 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -BALIGAON District- VAISHALI(HAJIPUR)

1. Nijamur Rahman @ Pan Miyan @ Nijamur Rahman Khan S/o- Hamid Khan
2. Arif Hussain Khan S/o- Hamid Khan
3. Saddam Hussain Khan S/o- Hamid Khan
4. Md. Ayub s/o- Md. Suleman Driver, all resident of village- Dehuli Eshhak, P.s.- Sakra, District- Muzaffarpur
5. Md. Parbej S/o- Anwarul Haque
6. Md. Hashmi Parbje, S/o Md. Parbej, both resident of village- Chakyado, P.S.- Baligaon, District- Vaishali

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2016 Heard learned counsel for the petitioners and learned Special P. P. for the State.

Petitioners apprehend their arrest in connection with Baligaon P.S. Case No. 88/2015 registered for the offence punishable under SectionS 147, 149, 323, 325, 354, 307, 379, 504 of the Indian Penal Code and 3 (1) (X) of SC/ST Act.

The prosecution case, in brief, as per F.I.R. lodged by the informant is that on 30.11.2015 when she was in her house, in the meantime, all the accused persons named in the F.I.R. having armed with deadly weapon along with 35-40 unknown persons



arrived there and told to withdraw the case and upon refusal of the informant, accused Nijamur Rahman gave a sword blow on the head of the informant, which hit on her forehead and on the eyes and accused Saddam Hussain Khan put sword in her mouth, due to which her teeth was broken. Accused Md. Ali Khan assaulted the informant with iron rod and Md. Parbej assaulted the informant with butt of cricket, which hit on the shoulder, arms and thigh and rest accused persons called the informant by her caste name and abused her. When the daughter of the informant came to save, the accused persons also assaulted her with iron rod and accused Aarif and Aasif snatched gold chain and the accused persons took away Rs 40,000/- after breaking open the box. When the Gotni of the informant came to save, accused Saddam and Ruman tried to outrage her modesty and assaulted her by rod.

It has been submitted by the learned counsel for the petitioners that the date of occurrence is 30.11.2015 and the F.I.R. has been lodged on 06.12.2015 and no plausible explanation has been offered of such inordinate delay. It has further been submitted that no case under Section SC/ST Act is made out as the incident took place in the house of the informant.

It has further been submitted that there is a land dispute between the parties and apart from the name of the

accused persons, there was 35 to 40 persons as alleged in the F.I.R. It has further been submitted that the present case is counter blast of earlier case bearing Baligaon P.S. Case No. 87/2015. He further submits that the injuries have been found to be simple in nature and the petitioners have clean antecedent as is evident from para-3 of this application.

However, learned counsel for the State submits that the allegation of altercation between the parties has been found true, as is evident from paras- 6,7, 8 and 9 of the case diary and the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 88/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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