

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46790 of 2015

Arising out of PS.Case No. -94 Year- 2015 Thana -SONEPUR District- SARAN

1. Abdul Qadir @ Johny, Son of Sakil Khan @ Sakil Ahmad Khan.
2. Izhar Khan, Son of Late Nezammuddin Khan, resident of Village - Sultanpur, P.S.- Sonepur, District – Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ghulam Rabbani, Advocate.
For the Opposite Party : Mr. Shailendra Kumar-II(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Sonepur P.S. Case No. 94 of 2015 for the offences instituted under Sections 341, 323, 324, 307, 504 and 379/34 of the IPC.

The prosecution story, in brief, is that on 22.02.2015 at 8.30 A.M., the informant went to sell his cow at Jadhua Hazipur Fair. After selling the cow, while the informant was returning his home, he stayed at tobacco shop for purchasing, in the meantime, the petitioner no. 1 assaulted with rod on his head and when he caught hold the rod, the petitioner no. 2 assaulted with sword on

the head of informant and he fell on the ground, then the petitioner no. 2 taken out the sum of Rs. 35,000/- from the pocket of the informant. Hearing the noise, the informant's parent came to rescue him then co-accused abused them and when the informant's father made resistance then he was assaulted by *Lathi* and fats and caused injury to them. Hence, this F.I.R.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From perusal of Annexure-4, it would appear that prior to institution of the present case, a case was instituted by the petitioner no. 1 and the present case is outburst to Annexure-4. From perusal of Annexure-2 it would appear that the nature of injury is simple in nature. Hence, Section 307 IPC is not attracted in the present case.

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 Sonapur P.S. Case No. 94/2015 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 C.J.M., Saran at Chapra, subject to the conditions as

laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

