

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41835 of 2016

Arising Out of PS.Case No. -71 Year- 2015 Thana -TARABARI District- ARRARIA

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1. Md. Murshid @ Md. Murshid Alam Son of Late Najeebuddin
 2. Hasnain @ Md. Hasnain Alam son of Md. Murshid
 3. Tarique Anwar @ Md. Tarique Anwar Son of Md. Murshid.
 4. Aadil Son of Md. Murshid.
 5. Sabir @ Md. Sabir Alam, son of Aiyub.
 6. Sakir @ Md. Shakir son of Aiyub
 7. Md. Rajeeb @ Razi @ Md. Razi Son of Salauddin All are residents of village- Baturbari Tola, Bhabhanbita, Police Station- Tarabari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 17-10-2016 Heard the learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners, namely, Md. Murshid @ Md. Murshid Alam, Hasnain @ Md. Hasnain Alam, Tarique Anwar @ Md. Tarique Anwar, Aadil, Sabir @ Md. Sabir Alam, Sakir @ Md. Shakir and Md. Rajeeb @ Razi @ Md. Razi who apprehend their arrest in Tarabari P.S. Case No.71 of 2015 under Sections 147, 148, 149, 323, 379, 504 of the Indian Penal Code and Section 24 of the Cattle Trespass Act. Subsequently, chargesheet has been submitted under Section 307 I.P.C. also.

From perusal of the F.I.R., it appears that the informant lodged the F.I.R. alleging that all the accused persons,

who are petitioners herein, assaulted the mother of the informant and when the informant tried to rescue his mother, the accused persons also assaulted the informant and took away Rs.700/- from him and also a mobile phone.

The learned counsel for the petitioners submitted that the I.O. did not find the case to be true under Section 379 I.P.C. and found the case to be true under Section 323 I.P.C. but because of direction by the supervisory authority, the chargesheet has been submitted under Section 307 also.

Considering the nature of allegation and the fact that I.O. himself did not find the case to be true under Section 379 I.P.C. and there is omnibus allegation against all the seven accused persons regarding assault, I direct all the petitioners named above to surrender before the court below within one month from today and on their so surrendering, the petitioners shall be released on bail on furnishing bail bond of Rs.5,000/-(five thousand) each with two sureties of the like amount each to the satisfaction of Shri R. Narayan, learned Additional Chief Judicial Magistrate, Araria in connection with Tarabari P.S. Case No.71 of 2015.

Saurabh/-

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(Mungeshwar Sahoo, J)