

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2542 of 2016

Arising Out of PS.Case No. -700 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ruhul Haque S/o Sheikh Manan,
 2. Md. Manjarul Haque @ Md. Manjarul S/o Sheikh Manan
 3. Fajibur Rahman, S/o Late Sanaullah
 4. Gyasuddin S/o Late Sheikh Aainul Haque
 5. Kamaluddin @ Kalamuddin S/o Ismail All r/o Village Mokhalishpur P.S.
Banjariya District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2016 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the accused persons came variously armed when co-accused Tuntun and Kalimullah resorted to fire with country made pistol and petitioner no.5, Kamaludin assaulted with iron rod on the head of the informant. The accused persons also assaulted the wife and pregnant daughter of the informant and robbed the articles from the house

and set the house of the informant on fire.

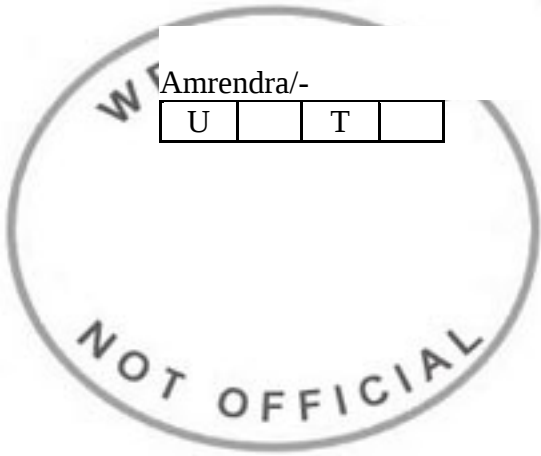
It is submitted by learned counsel for the petitioners that specific accusation is against co-accused Tuntun and Kalimullah who are not petitioners before this Court. Petitioner no.5 Kamalludin assaulted on the head of the informant but the injury has been found to be simple. There is counter version of the occurrence also.

It is submitted by learned counsel for the informant that though, the injury has been found to be simple but petitioner no.5 had made assault on the vital part of the body of the informant.

Considering the fact that there is no specific accusation against petitioner nos. 1 to 4, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 700 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.5 is concerned, let the learned court below consider the prayer for regular bail of petitioner no.5

if he surrenders within a period of six weeks.



(Dinesh Kumar Singh, J)