

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44407 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -AMDABAD District- KATIHAR

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1. Noor Islam, S/o Late Yunush Ali
 2. Zabrud
 3. Hanif
 4. Bhodu

Petitioner nos. 2-4 are sons of Noor Islam

5. Khalek
6. Talib

Petitioner nos. 5 and 6 are sons of Afsar Ali

7. Alim @ Abdul Alim Son of Afsar Ali
8. Afsar Ali @ Afsar son of late Abdul Mazid.

All are R/o Vill. Varnathi P.S. Amdabad District – Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 25-10-2016 Heard learned counsel for the petitioners, A.P.P. for the State and informant.

The petitioners apprehend their arrest in connection with Amdabad P.S. Case No. 74 of 2016 registered under Sections 341, 323, 325, 504, 379 and 307/34 of the Indian Penal Code.

The accusation is that when the informant was going to his filed in the evening on 29.05.2016 then petitioner no.1 Noor Islam made demand of money. The informant replied that no money is due to him. Thereafter, all petitioners also came armed with lathi, iron rod and danda and started causing assault to the

informant. When Naseem, son of the informant, rushed to save him then petitioner no.5 Khalek gave iron rod blow at his head causing blood oozing injury. At that time, Rs. 4300/- was also snatched from the pocket of the informant.

Learned counsel appearing on behalf of the petitioners submits that there is general allegation against all the petitioners to cause injury to the informant, but there is no injury report regarding the injuries sustained by the informant. The only specific allegation is against petitioner no.5 Khalek to give iron rod blow at the head of Naseem, son of the informant, causing blood oozing injury. Further submission is that while the occurrence is of 29.05.2016 but the F.I.R. has been lodged after 7 days i.e. on 04.06.2016.

Having considered the facts and circumstances of the case, let the above named petitioners no. 1, 2, 3, 4, 6, and 7 be released on bail, 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 the C.J.M., Katihar in connection with Amdabad P.S. Case No. 74 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

As far as petitioner no. 5, Khalek, is concerned, taking into considered the facts and circumstances of the case and nature of allegation against him, I am not inclined to allow his prayer for anticipatory bail. Accordingly, his prayer for bail is rejected with direction to him to surrender before the Court below within four weeks and pray for regular bail, which shall be decided on its own merit without being prejudiced by this order.

(Rajendra Kumar Mishra, J)

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