

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46126 of 2016

Arising Out of PS.Case No. -201 Year- 2016 Thana -JOKIHAT District- ARRARIA

- =====
1. Md. Hashim, son of Somai
 2. Md. Kasim, son of Somai
 3. Wahid, son of Kasim

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341/323/324/307/379/504/506/34 of the Indian Penal Code.

Prosecution case is that all the accused persons including the petitioners were making ridge on the share of land of informant, on protest being made petitioner nos. 1 and 2 Hashim and Kasim put towel around the neck of the informant and tried to strangulate him and thereafter assaulted with fists and slaps and snatched three thousand rupees. When the wife and the sister-in-law of the informant came to rescue then petitioner no.1 Hashim assaulted with dabiya on the head of the wife of the informant. In course of protesting informant also received injuries

on his hand. Petitioner no.2 Kasim assaulted with iron rod to the sister-in-law of the informant.

It is submitted by learned counsel for the petitioners that petitioner nos.1 and 2 are own brother of the informant whereas petitioner no.2 is son of petitioner no.2 and in the background of land dispute the accusation has been levelled. For the occurrence of 27.06.2016 at 5.00 PM, the FIR was registered on 27.06.2016 at 3.00 PM. The injury report of the wife of the informant Bibi Akhtari reflects that she received two injuries. Injury no.1 was caused on the right side of the head by sharp cutting weapon and injury no.2 was caused on the right palm by hard and blunt substance whereas the accusation is that both the injuries were caused by petitioner no.1 Hashim with dabiya. The sister-in-law of the informant Bibi Hazra has also received two injuries; one on the head and other on the right elbow, but both the injuries were found caused by hard and blunt substance, simple in nature. There is no specific accusation against petitioner no.3. Learned counsel for the petitioners further submits that there is counter version of the occurrence also and a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the genesis of the occurrence and part

accusation being not corroborated by the medical opinion coupled with statement made in paragraph no.3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners 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 SDJM, Araria, in connection with Jokihat P.S. Case No.201/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--