

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10276 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -BIRAUL District- DARBHANGA

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1. Zahid Ahmad Khan, son of Late Ahmad Hussain Khan
 2. Baso Khatoon @ Basina Khatoon, W/o Zahid Ahmad Khan
 3. Amna Khatoon, wife of Saghir Khan All are resident of Village- Patania, P.S.- Biraul, District- Darbhanga.
 4. Ahmad Ali Khan, son of Late Abidul Khan, resident of Village- Ahilwara, P.S.- Biraul, District- Darbhanga.
 5. Bittu Khan @ Nasir Firdaush S/o Firdaush Khan Resident of Village- Dewra, P.S.- Barauni, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The prosecution case is that twenty accused persons including the petitioners entered into the house of the informant and made assault to the informant and other family members. Except petitioner no. 1 Zahid Ahmad Khan none of

the petitioners alleged to have made any assault. It is alleged against co-accused Ghesho Khatoon and petitioner no. 3 Amna Khatoon that they threw chilli powder in the eyes of the informant.

It is submitted by learned counsel for the petitioners that the injury of the informant has been found to be simple. No injury has been found in the eyes of the informant and the injuries of the other injured have also found to be simple. There is a counter version of the occurrence and the injuries of the petitioners' side have been found grievous in nature. Considering the material in the case diary co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 48689 of 2015.

A statement has been made in paragraph 3 of the petition that except petitioner no. 1 other petitioners have no criminal antecedent. However, petitioner no. 1 is accused in two other cases, out of which in one case he has been acquitted and in other case final form has been submitted and the same has been accepted.

Considering the aforesaid facts, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Biraul in connection with Biraul P.S. Case No. 133 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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