

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10359 of 2016

Arising Out of PS.Case No. -112 Year- 2014 Thana -KAMTAUL District- DARBHANGA

1. Aatif Ahmed Haidri
2. Tabish Ahmed Haidri @ Tabish Haidri
Both sons of Late Enam Ahmed Haidri resident of Village - Kumhrauli,
P.S. - Kamtaul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Rais

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016 Heard learned counsel 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, 379, 504, 506 of the Indian Penal Code.

The prosecution case is that the five First Information Report named accused persons including the petitioners came and started abusing the informant. On protest being made, Seraj Alam @ Bholu ordered to assault, when co-accused Asif Reza Haidri @ Subi assaulted with farsha on the head of the informant, causing bleeding injury, thereafter petitioners namely Aatif Ahmed Haidri and Tabish Ahmed Haidri @ Tabishy



Haidri assaulted with iron rod to the informant repeatedly, as a result, informant fell down on the ground. When villager of the informant namely Rehna came to rescue he was also assaulted by Seraj Alam @ Bholu with farsha on his head, causing bleeding injury. It is further alleged that co-accused Anwar Kalam and petitioner no. 2 Tabish Ahmed Haidri @ Tabish Haidri took out Rs. 2300/- from the pocket of the informant.

It is submitted by the learned counsel for the petitioners that the injury report of the informant suggests only one lacerated wound on the partial region skin deep simple in nature, whereas it is alleged that the informant received injury by sharp cutting weapon like farsha caused by Aatif Ahmed Haidri. The other injured Md. Nasim has also received four lacerated injuries all found simple in nature caused by hard and blunt substance, whereas it is alleged that Seraj Alam @ Bholu assaulted by farsha. The petitioners' side lodged a case against the informant at earlier point of time and subsequently informant has retracted from the initial version and filed a petition to that effect before learned court below. For the occurrence of 11.07.2014 the First Information Report was registered on 19.07.2014.

Considering the delayed lodging of the case, accusation being not corroborated with the medical opinion, retracted version of the informant, coupled with the statement

made in para-3 of the petition that petitioners have no criminal antecedent, let the above named petitioners be released on bail in the event of their 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 Shri Shamim Reza, J.M., Ist Class, Darbhanga in connection with Kamtaul P.S. Case No. 112 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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