

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32706 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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1. Md. Nazam @ Nazamuddin @ Md. Nizim Son of Late Immamul
2. Md. Akil Son of Md. Kamil
3. Md. Kapil @ Kapil Son of Nazim All resident of Village- Gokhlapur,
P.S.- Narpatganj, District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Smt Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Narpatganj P.S. Case No. 61 of 2016 for the offences instituted under Sections 448, 341, 323, 325, 379, 504/34 of the IPC.

The prosecution story, in brief, is that on 11.03.2016, any neighbour of the informant forcibly took away her hen and consumed it. The informant asked about a Panchayati then petitioner no. 1 and co-accused Kamil came and abused her. Co-accused Md. Sakil and petitioner nos. 2 and 3 came and on the order of petitioner no. 1, co-accused Kamil and Md. Sakil



assaulted the informant with iron rod causing injury on her arm and fracture of shoulder bone. When her son came to rescue her, he was also assaulted with iron rod causing bleeding from his nose and mouth and became unconscious. They also took away cash Rs. 5,000/- and ornaments.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case due to previous enmity. The occurrence is said to have taken place due to a petty reason. The allegation for the offence under Section 379 IPC has been added to make the offence grievous. No specific act has been alleged against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and they entered into the house of the informant and committed the offence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Narpatganj P.S. Case No. 61/2016, pending in the court of learned C.J.M. Araria. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced the order of



this Court preferably on the same day.

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(Sudhir Singh, J)

