

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29771 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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1. Alim Miya, son of Ali Hussain
2. Nizamuddin Miya @ Nazmudin Miya son of Alim Miya
3. Sahabuddin Miya @ Shahabuddin Mian Son of Alim Miya. All are Residents of Village- Hasanpur Mathia, P.S Sidhwalia, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-09-2016 Heard both sides.

The petitioners apprehend their arrest in Sidhwalia P.S. Case No. 20/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

The informant Hafiz Miya named five persons and alleged that Ali Hussain assaulted him with pipe on his head. Sahabuddin assaulted the informant with bamboo which hit on his thigh. When the son and daughter-in-law of the informant came to save him Nizamuddin assaulted his son Anwar Miya and Alim Miya assaulted his daughter-in-law Mazlum Khatoon with iron rod.

Learned counsel for the petitioners submits that



Sahabuddin is alleged to have assaulted the informant with bamboo on his right thigh, but no injury was found on the right thigh of the informant Hafiz Miya. Nizamuddin also assaulted the informant, but no corresponding injuries found on the person of the injured. There is no allegation of assault against Ali Hussain, but from perusal of the record, it appears that Ali Hussain assaulted the informant Hafiz Miya with pipe on his head and extensive injury caused on the head of the informant. Alim Miya Petitioner no. 1. is alleged to have assaulted daughter-in-law of the informant and Nizamuddin petitioner no. 2 is said to have assaulted the son of the informant Anwar Miya. The son and daughter-in-law of the informant also got many injuries.

Considering the facts aforesaid, I am not inclined to enlarge Alim Miya petitioner no. 1 and Nizamuddin petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Sahabuddin Miya is concerned, he is alleged to have assaulted the informant with bamboo on his thigh, but no corresponding injury is found on the thigh of the informant, Sahabuddin Miya petitioner no. 3, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate – 8th, Gopalganj in connection with Sidhwalia P.S. Case No. 20/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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