

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37327 of 2016

Arising Out of PS.Case No. -76 Year- 2016 Thana -SHEOHAR District- SHEOHAR

1. Md. Lal Babu @ Tajuddin Son of Md. Sartal @ Fekai
2. Md. Tarwej son of Md. Lal Babu @ Tajuddin
3. Md. Parwej Son of Md. Lal Babu @ Tajuddin
4. Mukhiye Amamuddin @ Imamudin son of Ekramuddin All are resident of village- Sugiya Katsari, Police Station- Sheohar, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Sheohar P.S Case No. 76/2016 registered for the offence punishable under Sections 323, 341, 307, 504, 147 and 149 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 18.05. 2016 at about 11 P.M. he was returning to his house after purchasing medicine and on way he saw that a group of near about 150-200 persons armed with lathi, danda were coming in a victory procession of Md. Imamuddin Panchayat Sugiya Kathari.



The persons in the procession abused the informant and the petitioner Md. Lalbabu @ Tajuddin assaulted the informant by fatta on his right wrist due to which his hand was fractured. He has also alleged that sons of Md. Lalbabu @ Tajuddin namely, Md. Parwej and Md. Tarwej assaulted the informant by danda on his head, back and other parts of the body and due to injury on his head, he became unconscious and fell down. The villagers brought the informant at hospital for his treatment. The informant stated that Mukhiya Immamuddin and his supporters participating in his victory procession, assaulted the informant due to annoyance in Panchayat election.

It has been submitted by the learned counsel for the petitioners that they are innocent and have committed no offence. It is also submitted that there was a mob of 150-200 persons and injury found can not be attributed solely to the petitioners. It is further submitted that the petitioners have no criminal antecedent and the matter has been compromised between the informant and the petitioners. He submits that petitioner Nos. 1 , 2 and 3 are supporters of the present Mukhiya and the informant is a supporter of ex Mukhiya for which this altercation took place.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer

for bail.

Be that as it may, since there is general and omnibus allegation against the petitioners as it was the mob of 150 to 200 people, who had assembled in victory procession, and that compromise has been reached between the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S.Case No. 76 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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