

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56969 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Barkat Mia
 2. Zahir Mia
 3. Zakir Mia, all sons of late Ali Hussain.
 4. Firoj Mia
 5. Afroj Mia, both sons of Barkat Mia. All resident of Village- Sukhi Semra, P.S. Palanwa, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-03-2016 Heard learned counsel for the petitioners, learned
counsel for informant and learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Palanwa P.S. Case No. 77 of 2015 registered for offence
punishable under Sections 302, 307 and other allied Sections of
the Indian Penal Code.

The prosecution case, in brief, is that on 20.07.2015 at
about 7:00-8:00 P.M., the informant along with his family
members was at his *Darwaja* and they were talking about the
earlier occurrence. In the meantime, Barkat Mia started abusing
and asked to catch Maksood Mia. It is further alleged that

thereafter petitioners along with other co-accused started abusing and assaulting Maksood Mia. Accused persons also assaulted the informant and Mansoor Mia.

It has been submitted by the counsel for the petitioners that the occurrence took place due to petty dispute between the petitioners and the informant side. Petitioners are innocent having no criminal antecedent. During course of investigation, one lady, namely, Waida Khatoon had thrown bricks over the head of Maksood Mia, resultantly he received injuries. It has further been submitted that postmortem report corroborates the prosecution case.

However, learned counsel for the informant and the learned A.P.P. for the State submit that the informant is an eye-witness to the occurrence, as he had seen Barkat Mia, Zahir Mia and Zakir Mia assaulting the deceased, Maksood, as a result of which deceased received grievous injuries and ultimately succumbed to the injuries.

Under such circumstances, I am not inclined to grant the privilege of anticipatory bail to petitioner nos. 1, 2 and 3, namely, Barkat Mia, Zahir Mia and Zakir Mia. Their prayer for anticipatory bail is, accordingly, rejected, however, with direction to surrender in the learned Court below within a period of four

weeks from today and apply for regular bail, which will be considered and disposed of in accordance with law on the same day.

So far as petitioner nos. 4 and 5, namely, Firoj Mia and Afroj Mia are concerned, as no overt act has been alleged against them, they, 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 Sub-Divisional Judicial Magistrate, Raxaul at Motihari, District – East Champaran in connection with Palanwa P.S. Case No. 77 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--