

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58423 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -BAISI District- PURNIA

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1. Md. Mujib @ Md. Mujibur Rahman, Son of Late Bashir
 2. Md. Raja, Son of Md. Mojib
 3. Ahmad @ Md. Ahmad, Son of Md. Mojib
 4. Hussain @ Md. Hussain, Son of Late Jamira
 5. Md. Lalu, Son of Jabra
 6. Akhtar, Son of Jabra
 7. Hasim, son of Late Bashir
 8. Samdan @ Md. Saddam, Son of Jalil Master
 9. Haider, Son of Fakatthi
 10. Md. Azad, Son of Late Arif
 11. Md. Nakka, Son of Late Janglu
 12. Md. Nazamul, son of Late Hanif
- All are resident of Village Majhwa, P.S. Baisee, District Purnia

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Firoz Ahmad, Advocate
For the Opposite Party/s : Mr. S.K. Pandey(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 25-01-2016 Today, a supplementary affidavit has been filed on behalf of the petitioners annexing the injury reports. Let it be kept on the record.

Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Baisee P.S. Case No.75 of 2015 for allegedly having committed the offences under Sections 147, 148, 149,

323, 324, 307, 448, 380, 435 of the Indian Penal Code and Section 3(i)(x) of the S.C/S.T. (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that, admittedly, the occurrence was one which arose out of petty differences regarding plucking of single fruit from the maize crop (*Bhutta*). Learned counsel further submits that the main allegation in the present case is against one Md. Raja, who is said to have attacked Ashok Kumar, the son of the informant. He further submits that the allegation against other accused persons, who have been named in the F.I.R. and are before this Court, is general and omnibus in nature and the injuries, which have been found on the person of those who had been attacked, though found grievous, cannot be attributed to these petitioners in particular. It is further submitted that the injuries on Ashok Kumar, which is said to have been inflicted by Md. Raja, have been found to be simple in nature.

Considering the nature of occurrence, as has been detailed in the F.I.R., the injuries which have surfaced and also that no particular role can be attributed to these petitioners of having inflicted injuries, which have been found to be grievous in nature and that the petitioners are not having any criminal antecedents, let all the petitioners, above named, in the event of

their 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-II-Cum-ACJM, Purnia, in connection with Baisee P.S. Case No.75 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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