

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27138 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -CHEWRA District- SEKHPURA

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1. Mr. Riza,
2. Mr. Baban, Both Son of Md Irfan @ Mr Rifan, Resident of Barari, P.S.-
Chewara, District- Sheikhpura, Bihar
3. Md. Chand, Son of Md Idrish, Resident of Village- Panher, P.S.-
Khudaganj, District- Nalanda

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 05-07-2016

Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 341, 323, 307, 354(b)/ 34 of the Indian Penal Code.

Prosecution case is that on 16.3.2016 at 7:00 PM the accused persons outraged the modesty of the daughter of the informant and while dragging her in order to commit rape when the wife of the informant went to rescue then the petitioner Md. Chand gave stone blow on the head of his wife causing serious injury. When the informant went to rescue then the petitioner Md. Riza assaulted him by the butt of revolver, as a result he received injury.



It is submitted by the learned counsel for the petitioners that the petitioners are agnates of the informant and the petitioners' side lodged Chewara P.S.Case No. 6/2016 on 17.3.2016 with an accusation for the offence under sections 323, 377, 379, 447, 504/34 of the Indian Penal Code against the informant. The petitioners' side lodged the case at the earlier point of time. The impugned order reflects that in spite of repeated directions the injury report was not produced before the learned court below, which reflects the manner in which the Public Prosecutor is prosecuting the case and the office of the concerned S.P. is functioning. It is submitted by the learned counsel for the petitioners that both the sides have entered into compromise and in paragraph 3 of the compromise petition it was mentioned that there was no intention on the part of the petitioners to kill the informant's side. Statement has been made in paragraph 3 of the application that the petitioners have no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Chewara P.S.Case No. 9/2016 pending in the

court of Sub-divisional Judicial Magistrate, Sheikhpura.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

Surendra/-

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