

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23565 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -KURSAKANTA District- ARRARIA

1. Kalam son of Md. Hanif
2. Ebu @ Abrar, son of Kashim,
3. Monu @ Md. Tarique son of Mushtaque Ali
4. Israr @ Esrar son of Kashim, All are resident of Village- Dahuwabari,
P.S.- Kursakanta, Dist- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.23690 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -KURSAKANTA District- ARRARIA

1. Kamrul @ Md. Kamrul @ Md. Mamrul son of late Raful Miyan
2. Bechan @ Behan son of Subbi
3. Jamil son of Nausad
4. Rabban son of Ismaeel
5. Fekna son of Kaina
6. Naushad @ Md. Naushad Alam S/o Najbul All are residents of village -
Dahuwabari, P.S. - Kursankanta, Dist - Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.23565 of 2016)

For the Petitioners : Mr. Sanjay Singh, Advocate.

For the Opposite Party : Ms. Nirmala Kumari(App)

(In Cr.Misc. No.23690 of 2016)

For the Petitioners : Mr. Sanjay Singh, Advocate.

For the Opposite Party : Mr. Kr. Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioners apprehend their arrest in Kursakanta
P.S. Case No. 46 of 2016, registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of

the Indian Penal Code.

The informant Md. Sakir alleged that he along with three other persons were going on two motorcycle, the accused persons supporters of Nisrat Bano the candidate of Mukhiya tried to put them down under motorcycle. The informant further alleged that Sonu, Monu, Kalam, Ebu @ Abrar, Israr @ Esrar, Niyaz and Zahid snatched money and other articles from Guddu. Thereafter, Kamrul @ Md. Kamrul @ Md. Mamrul, Fekna, Rabban, Bechan, Jamil and Naushad @ Md. Naushad Alam assaulted the informant and three others.

Shri Sanjay Singh, learned counsel for the petitioners submits that there is election dispute between the informant on the one hand and Nisrat Bano wife of Mushtaq Ali on the other hand. Some altercation took place, but no occurrence as alleged by the informant has taken place. It is further submitted that the informant Md. Sakir got one injury on occipital region i.e. 3cm x ½ cm was into deep fresh bleeding. The doctor opined the nature of injury to be grievous. The doctor stated that the same was for managing pressure. The doctor has given opinion with regard to nature of all the four injuries to be grievous only to manage pressure. No such injuries were caused to the informant and three others.

Learned APP however opposed the prayer for anticipatory bail of the petitioners.

It appears that the petitioners of Cr. Misc. No. 23565 of 2016 are alleged to have assaulted Md. Imran Alam @ Guddu and petitioners of Cr. Misc. No. 23690 of 2016 are alleged to have assaulted the informant and three others. From perusal of the injury report it appears that Imran Alam @ Guddu and Md. Unus have also got grievous injury. Imran Alam @ Guddu became unconscious and his 11th rib was found fractured. Similarly Md. Unus also got grievous injury as his 10th rib was fractured with collection. The right eye of Md. Imran Alam @ Guddu was also bleeding. There is no counter version.

Considering the facts aforesaid and the fact that the petitioners brutally assaulted the informant and others causing grievous injury to them, I am not inclined to enlarge the petitioners above named on anticipatory bail in Kursakanta P.S. Case No. 46 of 2016, pending in the court of Sri Kumar Amit Manu, the Additional Chief Judicial Magistrate-2, Araria. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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