

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9301 of 2016

Arising Out of PS.Case No. -205 Year- 2014 Thana -CHANDAULI District- GAYA

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1. Md. Aurangjeb Alam @ Md. Arangjev @ Bam @ Bon son of Md. Idrish Alam,
2. Md. Asharfi @ Asharfi Alam, Son of Md. Rafiq @ Rafiq Alam, Both resident of Chakand Station, P.S.- Chandauti, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 27-06-2016 Heard learned counsel for the petitioners as well as learned APP for the State.

Petitioners are apprehending their arrest in connection with Chandauti PS Case No. 205 of 2014 instituted under Sections 341, 323, 448, 354, 379, 504, 506/34 of the IPC.

Informant, Raushan Khatoon had alleged that petitioner no.2. Md. Asharfi @ Asharfi Alam and his brother-in-law Md. Munna were engaged in teasing the informant since before which was protested at her end. A complaint was also made to father of petitioner no.2 but without any fruitful result. In the aforesaid background while informant was cleaning her surroundings, one Yusuf Mian came and indulged in altercation joined by Aurangzeb @ Baun, Asharfi Alam, Aslam Alam, Md. Munna, Daldo Mian,



Md. Jahangir Alam with Lathi, rod and knife. Jahangir and Asharfi threw the informant on the ground and further, Jahangir wanted to over-power her. She, anyhow, managed to escape and during course thereof, Aurangzeb had inflicted knife blow over her head. Aslam had given rod blow. She went inside her house to save herself and during said course her Bhainsur, Md. Anwar was assaulted by Md. Munna with Lathi on his head. Md. Jahangir, with Lathi assaulted over his left hand. Asharfi Alam torn her blouse and took photograph. Daldo Mian snatched away chain. Her husband was over-powered by Yusuf Mian and Aurangzeb. They also began to dismantle her house with JCB Machine.

However, police after having been informed came and rescued her.

Contentions on behalf of the petitioners are that the allegation whatever attributed at the end of informant happens to be false and frivolous and further to counter-meet with the allegation whatever attributed by Md. Rafique, father of petitioner no.2 under Chandauti PS Case No. 206/2014. It has also been submitted that from Annexure-4, it is evident that two co-accused, Md. Jahangir and Daldo Mian have already been granted anticipatory bail under Cr.Misc. 7754/2015. Furthermore, it has also been submitted that from perusal of the written report, it is

evident that there happens to be bona fide land dispute amongst the parties. It has also been submitted that from Annexure-4, it is evident that so alleged victim had sustained simple injury.

As such, in the facts and circumstances of the case, it has been submitted that it happens to be a fit case whereunder petitioner should be allowed to enjoy the privilege of anticipatory bail. It has also been submitted that on earlier occasion prayer was made under Cr. Misc. No. 9072/2015 and the same was withdrawn on 24.04.2015 in the background of the fact that a talk of compromise was going on amongst the parties but as the talk failed, hence necessitated for filing the instant petition for anticipatory bail.

Learned APP opposed the prayer.

Petitioner no.1 has been alleged to have inflicted Chhura blow over head of the informant and further with regard to illegal activity of petitioner no.2 there happens to be specific disclosure and on account thereof, the case of the petitioners is not found on similar footing as that of Md. Jahangir and Daldo Mian.

As such, prayer for anticipatory bail is rejected.

Petitioners are directed to surrender before the learned lower court within a fortnight failing which the learned lower

court will take legal recourse for appearance of the accused/petitioners. However, in case petitioners surrender and pray for regular bail, then in that event, the learned lower court will see the presence of injury over the person of informant, its nature and further whether the blow has been repeated, while considering the regular bail application.

(Aditya Kumar Trivedi, J)

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