

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8786 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -MANIHARI District- KATIHAR

- =====
1. Sheikh Hamjad @ Sk. Amjad, son of Late Sheikh Nabir
 2. Md. Akhtar @ Md. Akbar, son of Sheikh Hamjad
 3. Md. Tarique, son of Late Sheikh Akal,
- All are residents of village- Bauliya, P.S.- Manihari, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Shailendra Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 21-04-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners apprehend their arrest in a case instituted under Sections 341, 323, 325, 307, 379, 448, 354, 504, 34 of Indian Penal Code.

The informant alleged that the petitioners along with others assaulted her as well as some of her family members. It is alleged that petitioner no. 1 assaulted her brother with rod on account of which he became grievously injured. It is further alleged that petitioner no. 2, Md. Akhtar, assaulted informant's sister Afshana on her chest. He further alleged that accused persons committed theft of goods worth Rs.21,000/-.

The petitioners submit that the instant case is counter blast to the earlier case lodged by the petitioners about 12 days back under Section 307 IPC. It is further submitted that in the

aforesaid quarrel, the petitioners also sustained simple injuries.

Learned counsel for the State has opposed the prayer of bail.

It appears that out of large number of accused persons, the names of two petitioners are specific. There is allegation against petitioner no. 1 of having assaulted the brother of informant Sagir, whereas allegation against petitioner no. 2 is of having assaulted informant's sister Afshana.

Having regard to the facts and circumstances of the case, in the event of arrest/surrender, let the petitioner no. 3 named above, be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar, in connection with Manihari P.S. Case No. 103 of 2015.

The prayer for bail of petitioner no. 1, namely, Sheikh Hamjad @ Sk. Amjad, is rejected.

So far as petitioner no. 2 is concerned, he will surrender before the court below within a period of four weeks and if the injuries sustained by Afshana is not on vital parts of her body and grievous, he would be released on bail to the satisfaction of the Magistrate in seisin of the case.

(Samarendra Pratap Singh, J)

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