IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46625 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

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1. Md. Hussain, son of Lal Mohammad,
2. Md. Deen Ansari, son of Lal Mohammad,
3. Md. Shahabuddin @ Shahabuddin, son of Lal Mohammad,
4. Sahadat Ali @ Md. Shadat Ali, son of Haider Ali, All resident of Village- Rambhadrapur, P.S. Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. S.N.P.Sinha, Sr. Adv.
Mr. Dr. Anand Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 02-12-2016 Heard both sides.

The petitioners apprehend their arrest in Kalyanpur P.S. Case No. 81/2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

Md. Jakir named ten persons and alleged that they having armed with different weapons came and surrounded the informant and others. Md. Atif twice assaulted the informant on his head. Md. Jahangir assaulted with *Farsa* on the head of Md. Yunus and Md. Ali assaulted Md. Dulare with *Farsa*. The petitioners are alleged to have assaulted the informant and others

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with lathi and snatched ring and money.

Learned counsel for the petitioners submits that from perusal of the injury report of Md. Jakir, Md. Yunus and Md. Dulare, it would appear that Md. Jakir got two lacerated wounds which were attributed to Md. Atif. Md. Yunus got one lacerated wound and one incised wound which were attributed to Md. Jahangir and Md. Dulare got one lacerated wound which was attributed to Md. Ali. No other injuries are found on the person of the injured and there is allegation of indiscriminate assault. The allegation is false and ornamental. There is a counter version.

On the other hand, learned counsel for the informant and learned Additional P.P. vehemently opposed the prayer for anticipatory bail and submitted that the petitioners assaulted the informant and others while they were returning after offering prayer in Masjid and they snatched golden ring and other articles from the informant and others.

Considering the facts aforesaid and the fact that, of course, petitioners are alleged to have assaulted with lathi and Farsa to the informant and others but no corresponding injuries were found on the persons of the injured and there is a counter version, petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks

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from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 81/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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